

Library

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: A.A. Campos, Department of Parole and Probation

Vice Chairman Sader called the meeting to order at 8:10 a.m., as Mr. Stewart had a previous appointment and was therefore late for the meeting. Mr. Sader stated the Committee would hear testimony on SB 254 first.

SB 254: Makes various provisions for discharge from parole and probation.

Mr. Campos, of the Department of Parole and Probation, testified on this bill. In reply to a question from Mr. Sader, he said he could not identify all those who testified at the Senate hearing on this bill, but he could state that there had been no final opposition to it.

Mr. Campos then went on to outline the substantive changes of SB 254.

Section 2, subsection 3 gives the Parole Board the authority to, in effect, take a person off of paper--the intent of the bill in its entirety is to reduce paperwork, without having any other effect on anyone or anything.

Mr. Campos explained that, at present, when a man goes before the Parole Board and has another, consecutive term to serve, if the Board so desires, they can parole that person to the second term. This means that throughout his second term the Parole and Probation Department must track this person because technically he is on parole, even though he is in the institution. This process takes about 10 hours a week, because about 20% of the prison population is under that particular category.

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Mr. Sader asked Mr. Campos to explain to the Committee the difference between concurrent terms and consecutive terms.

Mr. Campos said that if a person receives two separate terms, for example one for burglary and one for robbery, he may come to prison with those terms running concurrently, which means they both run simultaneously, or the court may order that he serve one and then when he is through with that one serve the second one. The law also provides that the Parole Board can parole him from one term to another, under consecutive terms.

Mr. Campos went on to note that this, in fact, is what SB 254 addresses: that authority that the Parole Board has to parole a person to the second term results in a great amount of paper-work for the Parole and Probation Department, to no one's benefit. This bill simply asks that, rather than have the authority to parole a person to the second term--although it is requested that this authority be retained--the Parole Board also have the power to simply discharge the person to that second term, if the second term is of equal or of greater length than the first one.

Mr. Malone asked what the difference between such individuals being on and off the Parole and Probation Department rolls was. Mr. Campos said there is no difference, because if the inmate misbehaves in the institution, there are other sanctions which can be taken against him--i.e., loss of statutory good time credits, prosecution of new criminal charges, etc. Also, since the second term is of equal or greater length, he automatically would have a longer term of parole coming out on a second sentence.

Mr. Campos said the second part of SB 254 asks just about the same thing, except the person is doing time in another state in this case. He explained that Nevada will parole a person to another jurisdiction that has criminal charges against him. Thus, he may only have a two year parole term here, but he may be paroled to a Texas sentence of 25 years; again, for that two year parole period the Parole and Probation Department must keep track of him, at least on paper. This includes every time Texas might transfer the person from one institution to another, etc. Thus, it is only a paper case, nothing else.

Mr. Campos pointed out that this ability to discharge a person to the second term would be optional for the Board, because they might have a case or a specific instance where they would want to keep track of the person for one reason or another. This bill simply gives the Board that option.

In reply to Mr. Malone, it was explained that even if the second term were shortened for some reason, in order to get out of prison the individual would either have to be pardoned or paroled, and in the latter case he would return to the Parole and Probation Department's rolls.

Mr. Campos summarized by stating the Parole and Probation Department is currently maintaining files that mean absolutely nothing; SB 254 would permit the Department to get rid of these files.

There was no further testimony on this bill, so Mr. Sader moved on to SB 255.

SB 255: Revises certain provisions concerning violation of parole and probation.

Mr. Campos, of the Department of Parole and Probation, also testified on this bill. He explained that section 1, subsection 2 simply clarifies existing law which indicates that if an individual is under the control of the Parole and Probation Department and commits another crime, and is in county jail awaiting prosecution on that crime, he cannot receive county jail credits because he is already receiving those credits on the sentence for which he is under the Department's jurisdiction. The law requires that if he commits a crime while he is under the Department's jurisdiction, any new term has to be consecutive; therefore, he cannot receive credit on a subsequent term.

Mr. Campos went on to explain that, because the wording of the current law is rather vague, there are some judges in Nevada who do not understand it and continually give credit for county jail time inappropriately. This bill would clarify the current law for these judges.

Mr. Campos said the next major change in the bill is contained in section 2, subsections 3 and 4, and section 3, subsection 3, both of which say the same thing except one section deals with probationers while the latter section applies to parolees.

Mr. Campos said these sections do 2 things. He went on to give some background to these changes; In 1974 a Supreme Court decision came out which mandated that there be preliminary inquiries for parole and probation violators; these are much the same as preliminary hearings in criminal cases, except they do not have to be presided over by a judicial officer. In passing laws to coincide with that Supreme Court order, one of the stipulations contained in Nevada law was that the Department had to take action against an individual within 15 days of his arrest. (The Supreme Court said within a reasonable time, the Legislature felt 15 days to be a reasonable time, so it was included in the Nevada law.) The Department considered the 15 days to mean 15 days in custody; what they didn't foresee was that this would be interpreted literally as 15 days, regardless of whether or not the individual was in custody. Thus, if action was not taken within 15 days, the courts or the Parole Board would throw the case out. In many instances, however, it is to everyone's benefit, including the defendant's, to wait until new criminal charges are adjudicated, etc. before taking some type of action against them; however, when this is done, the Department loses jurisdiction.

Mr. Campos said that the changes in these sections simply indicate that the 15 days still applies, unless the probationer is released from confinement, or the order that he be held is withdrawn. This results in extending the time within which the preliminary hearing can be held. He added that there is no time limit placed on this, because the Supreme Court order already requires it be within a reasonable amount of time; hence, the Department would prefer to leave it up to the courts to decide whether or not their action was reasonable, or if they unduly delayed the hearing.

An additional change in these sections is a result of the watering down of the original Supreme Court decision; the Court ruled that a preliminary inquiry is not necessary if the individual has been convicted of a new offense--the conviction of a new offense is prima facie evidence of a parole or probation violation and therefore the person is not entitled to a preliminary hearing. He is still entitled to a court hearing or to a parole revocation hearing, but not to this preliminary hearing.

Mr. Campos said this will result in a big savings to the Department, since about 1/3 of their cases fall under this category. He added that these sections are right in line with recent case law.

Finally, regarding section 3, subsection 4, Mr. Campos explained that the last time this section of the law was addressed was back when the lay Parole Board still existed. This Board met twice a year, thus the law said that when a parole violator was returned to prison, he would appear before the next meeting of the Parole Board. This was reasonable, since the Board only met twice a year. The Parole Board meets on a daily basis now, making it impractical to require the person appear before the very next meeting of the Board. In the first place, when the person gets back to prison, you must give that person the opportunity to prepare a defense--notice, read them their rights, notify them of the time of the hearing, etc. In the Supreme Court decision referred to earlier, it was stated 60 days was a reasonable period of time prior to appearing before the Board, thus it was included in this section of SB 255. He added that, most cases will be heard within 30 days of their return, but for those few that may either miss one meeting, or require longer for the preparation of their case, etc. it was felt 60 days was satisfactory to the State of Nevada, and was within the Supreme Court guidelines.

As there was no further testimony on SB 255, Mr. Sader declared the public hearing on this bill closed.

SB 307: Removes requirement for presentence report in certain cases.

Mr. Campos stated this bill had not been requested by the Department of Parole and Probation, however it does pertain

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to the Department so he felt he should address it. He explained the bill had been introduced on behalf of a Las Vegas judge, and that what it proposes is, if a person does not want a presentence report, and the court concurs that it is not necessary, then the person can waive the preparation of a presentence report. It also provides that if a sentence is fixed by jury (such as in most murder cases), since the judge does not have any choice in the matter anyway, a presentence report would not be prepared.

Mr. Campos said that he could not see anything wrong with this bill, and it would save the Department some time. He did point out, however, that the reason a presentence report was originally mandated in all cases was because there were so many people who managed to squeak through the initial part of the system--prosecution, plea negotiation, etc.--without, in a lot of cases, the people knowing with whom they were dealing, or what they really had; it even got to the point where they did not have the correct identity of the individual. Thus, Mr. Campos expressed some fear that in a few instances of plea negotiations, sentencing, etc. some people could slip by; but he added that he did not think the occurrence of this would be significant. He therefore had no objections to SB 307.

SB 356: Changes provisions relating to dishonorable discharges from probation.

Mr. Campos went on to testify on this bill. He explained that under the old language, if a person's term of probation expired while the person's whereabouts were unknown and an arrest warrant had been issued for the person, then that person would be given a dishonorable discharge from probation. He noted that if a person absconds, or is otherwise in violation of his probation, and a warrant is issued, then that effectively stops the person's time from running; i.e., he does not get credit towards his probationary term while he is on absconder status. Thus, theoretically, it is impossible for a person to expire his probation term if he is an absconder or fugitive. Nevertheless, Mr. Campos said the courts have been somewhat lenient in this matter, and have gone ahead and discharged these people. He explained this is necessary, or the number of files on people who haven't been heard of for years would be unwieldy.

Mr. Campos noted that there are people, however, whom the Parole and Probation Department may not want to discharge; it may be evident to those who know the individual that he is remaining a fugitive as long as the Probation Department has a case against him--i.e., he is still on probationary status and considered an absconder--but as soon as he is discharged from probation and the Department no longer has jurisdiction over him he will be back in the state raising heck again.

Thus, SB 356 changes that portion stating these individuals "SHALL BE ISSUED a dishonorable discharge" to indicate they

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"MAY BE GIVEN" one. In this way the courts are not required to discharge these individuals, it is their option to do so or not, depending upon the circumstances.

In reply to several questions concerning dishonorable discharges and their implications, Mr. Campos explained the following:

Basically, the individual loses two main rights upon conviction: the right to vote and the right to hold public office. Additionally, the individual could face problems with certain licensing laws, etc.

An honorable discharge from probation is supposed to relieve the individual of all civil liabilities of that crime; i.e., he can again vote and hold public office, etc.

A dishonorable discharge carries none of the above restorative rights with it; i.e., the individual is off probation but still cannot vote, or hold public office, etc.

If a dishonorable discharge is not given by the courts, then the case is kept active and the Parole and Probation Department can use this against the individual if he returns to the state.

If the person is on absconder status and is discharged, or has his conviction reversed, or is pardoned, etc., there is no way of notifying him of this action.

In summary, SB 356 simply gives the court the option of discharging an individual from probation or not discharging him, at its own discretion, depending on the circumstances, rather than requiring that the court discharge him.

As there was no further testimony on this bill, Mr. Sader closed the public hearing and went on to hear SB 354.

SB 354: Exempts department of parole and probation from requirements of Nevada Administrative Procedure Act.

Mr. Campos again was the only witness to testify on this bill. He began by giving the Committee some history on the relation of the Department of Parole and Probation to the Nevada Administrative Procedure Act. He explained that the Department was originally exempt from the Act, while they were under the Parole Board. The State Board of Parole Commissioners is still exempt from the Act. (See section 1, subsection 1(g).) In 1977 the Department was taken out from under the Parole Board, and it was simply an oversight on the part of the new Department that this proposal was not submitted then. He added that the Parole Board does not really need to be exempt from the act, since they publish all their rules anyway, and that it was because of the Department coming under the Board that they were originally exempted.

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Mr. Campos explained that the Department needs the immunity because its policy and procedures refer to how the Department treats clients; i.e., what the Department is mandated to do under certain specific situations. He cited the example of their gun policy, which states firearms are only used in the protection of life--either their own or someone else's; thus, if someone is attempting to escape while they are attempting to effect an arrest, they will not fire on that individual. The implications of this becoming public knowledge are obvious.

Mr. Campos added that the Department's internal policies and procedures do not affect the average citizen, only convicted persons.

As an aside, Mr. Campos said that it has been his Department's experience that no one really knows what the Act requires, because it is so vaguely written, and different offices interpret it differently. He suggested it be reviewed, and that the language be clarified.

In reply to Mr. Sader, it was noted that the problem with coming under the Act is two-fold: 1) the disclosure of certain policies and procedures and 2) the frustration resulting from the confusion generated in going through the process required.

Mr. Campos added that those agencies exempt from the Act are of a type similar to the Department: the prison, gaming, etc.

Mr. Price requested a copy of the Department's rules, in order to be able to better judge the matter. Mr. Campos agreed to supply a copy of the last set of rules, since the newest ones are currently at the printer's. He stated there would be little difference between the two.

As there was no further testimony on this bill, Mr. Sader closed the public hearing on SB 354.

Mrs. Foley then asked if the Committee could consider AB 488.

AB 488: Increases penalty for abduction of child.

In reply to Ms. Foley's question as to the status of this bill, Mr. Sader explained that there is an amendment currently being prepared to include the prohibition against people who are custodial parents and hiding or keeping the child from the non-custodial parent, an abuse that is just as prevalent. He said he would return the bill to the Committee as soon as the amendment was completed.

AB 250: Forbids probation or suspension of sentence for persons convicted of burglary.

During the discussion of this bill, it was noted that the last sentence of subsection 2 did not really state what the original

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intent had been. As written, the bill could prevent a first-offender who was convicted of several counts of burglary at one time from being released on probation. The intent had been to prevent repeat-offenders from getting out on probation. It was agreed the bill should be amended to indicate the fact that it is only those individuals who have appeared before a judge once, be it for one or more counts of burglary, been given a second chance, and then repeated the crime who should be denied probation or suspension of sentence.

Mrs. Cafferata moved AMEND AB 250 as noted above, seconded by Mr. Sader, and passed unanimously.

It was agreed Ms. Ham would request the amendment from the bill drafters and return with it to the Committee.

AB 227: Requires arrested person to pay costs of positive test for alcohol or controlled substance.

Mrs. Cafferata said she had an amendment to this bill (EXHIBIT A) which states the individual cannot be charged for the test for alcohol or controlled substances unless convicted. She also provided the Committee with the following figures: total arrests for DUI were 6,387, 85% of which were convicted.

Mrs. Cafferata noted that this charge would be an administrative court cost fee, not a fine; thus it would not go into the School Fund, but directly to the enforcement agencies to reimburse them for the cost of the test.

Mrs. Cafferata moved AMEND AND DO PASS AB 227, seconded by Mr. Beyer and passed unanimously, with Mr. Chaney and Mr. Banner absent at the time of the vote.

AB 240: Provides for use of foreign standard of "felony" in defining certain offenses for purposes of registration of convicted felons.

Mr. Sader noted that the Committee had already voted to amend and do pass this bill; he simply wanted the Committee to see the language used in the amendment prior to reporting it out of Committee. He said that the way the bill now reads is that if a person is convicted of a felony in this state that person must register as an ex-felon; if a person is convicted of any crime which is a felony in another state, that person must register; and if a person is convicted of a crime which is not a felony in another state, but which is punishable by imprisonment for one year or more, that person must register as an ex-felon. This latter requirement covers those states which call things considered to be a felony in Nevada something else; e.g., crimes of the first, second or third offense; heinous demeanors; etc. There were no objections to these amendments by the Committee.

AB 253: Provides penalties for interrupting emergency radio communications.

Mr. Malone explained that he had this entire bill reviewed by both the REACT people as well as by an expert from the City Attorney's Office in Las Vegas. The result is Amendment 626 (EXHIBIT B). What this amendment does is give the definition of when the person has intentionally interfered with such a transmission.

In reply to an earlier question concerning a "bleed over", which can easily occur involuntarily, it was noted that since it was not done "intentionally, knowingly or with criminal negligence" it is not a crime.

The officer of the Las Vegas Metro Police Department who acts as the liaison between the Department and the REACT people also supports this amendment, according to Mr. Malone, who spoke with him.

Regarding the amendment on page 1, line 11, originally this was going to actually name the emergency channel--usually channel 9--but Mr. Malone said he was advised not to specify the channel in this bill, since any channel can be used in an emergency. Thus, if channel 9 is inoperative for some reason, any other channel can be used and would be covered by this bill.

Regarding the possibility of separate penalties for first and subsequent offenses, it was felt that since there are provisions in the bill for both a misdemeanor and for a prison sentence, depending on whether or not bodily injury was involved, there was really no need for going into penalties for first and subsequent offenses.

Mr. Sader moved AMEND AB 253 as noted in Amendment 626, seconded by Mr. Beyer and passed unanimously, with Mr. Thompson, Mr. Price, Mr. Chaney and Mr. Banner absent at the time of the vote.

Mr. Sader then moved DO PASS AB 253 AS AMENDED, seconded by Mrs. Cafferata and passed unanimously, with Mr. Thompson, Mr. Price, Mr. Chaney and Mr. Banner absent at the time of the vote.

SB 254: Makes various provisions for discharge from parole and probation.

Mr. Stewart questioned the wording in section 3, wondering if it clearly stated the intent of the bill. He noted that the original request was to allow a prisoner who had received a conviction in another state which would require a prison term of equal or greater length to the one he was serving here to be turned over to that state. The way the bill is worded, however, if the original term here is, for example, for five years; the

convict serves three years, and has two remaining; the term in the other state is for four years--in actuality it would be preferable to have the person go to the other state, since the time remaining on his sentence here is less than the time he would have to serve in the other state. However, the prison term of the other state is less than the original sentence given here, so under SB 254 as presently written the person could not be sent to the other state. Mr. Stewart suggested having the bill amended to include those instances when the remaining sentence is less than the sentence of the other state.

Mr. Stewart moved AMEND SB 254 as noted above, seconded by Mr. Sader and passed unanimously, with Mr. Thompson, Mr. Price, Mr. Chaney and Mr. Malone absent at the time of the vote.

Mr. Sader then moved DO PASS SB 254 AS AMENDED, seconded by Mrs. Cafferata and passed unanimously, with Mr. Thompson, Mr. Price, Mr. Chaney and Mr. Malone absent at the time of the vote.

SB 255: Revises certain provisions concerning violation of parole and probation.

Chairman Stewart noted he wished to discuss some of the language which was eliminated from lines 8 and 9 with the bill drafter, and said he would return the bill to the Committee once he had done this.

SB 307: Removes requirement for presentence report in certain cases.

Mr. Sader moved DO PASS SB 307, seconded by Mr. Beyer and passed unanimously, with Mr. Thompson, Mr. Chaney and Mr. Malone absent at the time of the vote.

SB 356: Changes provisions relating to dishonorable discharges from probation.

Mrs. Cafferata moved DO PASS SB 356, seconded by Ms. Ham and passed unanimously, with Mr. Thompson, Mr. Chaney and Mr. Malone absent at the time of the vote.

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

Mr. Stewart noted that this bill would not affect where a person would go, it will not have a detrimental financial impact upon any entity, in fact the most it can do is benefit them because it lets the judges impose a larger fine.

It was pointed out that this bill should be amended to include the cities. The Committee agreed this should be done.

Finally, there was a discussion concerning the amounts involved.

Mr. Stewart felt a jump from \$1,000 to \$5,000 for gross misdemeanors, and from \$500 to \$2,500 for misdemeanors to be a little extreme. He suggested lesser amounts.

Mr. Sader said he agreed with Mr. Stewart because Justice Courts and Municipal Courts are designed to be courts of the people, and petty offenses are the reason for this. If we get away from the concept of petty offenses and start imposing huge, substantial fines, more and more people will feel it necessary to have an attorney represent them and there will be a lessening of the feeling among the people that they can represent themselves. This is one of the reasons petty courts are differentiated from district courts.

Mr. Sader went on to note that what the Committee must actually consider is the policy question of how far away from the concept of a court of the people they want to go; i.e., at what point are you going to scare the public into thinking they have to have a lawyer present--after all, \$2,500 is a lot of money.

Mr. Sader said he agreed with the concept of the bill: \$500 is not enough. He suggested the Committee consider an amount around the halfway point; i.e., \$2,500 for gross misdemeanors and \$1,200 for misdemeanors.

Mr. Sader moved AMEND AB 418 to include the cities, and to change the fines to \$1,200 for a misdemeanor and \$3,000 for a gross misdemeanor, seconded by Mrs. Cafferata and passed unanimously, with Mr. Thompson and Mr. Chaney absent at the time of the vote.

Mr. Sader then moved DO PASS AB 418 AS AMENDED, seconded by Ms. Foley and passed unanimously, with Mr. Thompson and Mr. Chaney absent at the time of the vote.

Chairman Stewart then noted that he had a request for a Committee introduction. He explained that a few days earlier the Committee had sponsored two trial lawyer bills and one defense attorney bill; this is the second defense attorney bill.

In reply to the argument that it was extremely late in the session to be introducing bills, Mr. Stewart noted it was already drafted, and he had introduced the trial lawyer bills, therefore, he would appreciate the Committee backing the introduction of this defense attorney bill.

Mr. Malone moved THE COMMITTEE INTRODUCE BDR 57-1629*, seconded by Mr. Stewart and passed unanimously, with Mr. Chaney and Mr. Thompson absent at the time of the vote.

*AB 582

AB 447: Revises procedures for providing compensation to certain victims of crimes.

Mr. Price distributed copies of Amendment 560 to AB 447 (EXHIBIT C), explaining it covered almost all the changes discussed earlier by the Committee.

It was noted that the amendment to section 14, page 5, line 18 was an attempt to assure the individual would receive swift aid, while at the same time guaranteeing the fund would be reimbursed when other agencies finally paid out the monies they had awarded to the individual. This would help prevent the total depletion of the fund for AB 447. An example cited was that of State Aid to the Medically Indigent (SAMI) funds, which often are not paid for a year or more following the incident.

Mr. Sader suggested a notice provision regarding the requirement to reimburse the fund for awards received from other sources also be included in this section.

Additional amendments suggested included the exclusion of traffic violations from the funding process and adding a provision returning unused monies to the General Fund at the end of a specific period of time. Finally, it was suggested that the bill be amended per Amendment 560 and then returned to Committee for a final review and possible addition of other amendments.

Mrs. Cafferata was also tasked with obtaining data concerning the fiscal impact of Amendment 560 upon the counties.

Mr. Price moved AMEND AB 447 PER AMENDMENT 560, seconded by Mrs. Cafferata and passed unanimously, with Mr. Thompson, Ms. Foley, Mr. Chaney, Mr. Malone and Mr. Banner absent at the time of the vote.

As there was no further business, Chairman Stewart adjourned the meeting at 10:20 a.m.

Respectfully submitted,

Pamela B. Sleeper

Pamela B. Sleeper
Assembly Attache

ADDENDUM

AB 488: Increases penalty for abduction of child.

On Tuesday, 5 May 1981 a brief meeting of the Committee was held on the floor of the Assembly. At this meeting Mr. Malone moved DO PASS AB 488 AS AMENDED, seconded by Mr. Thompson and passed, with Mrs. Cafferata voting against. All members were present at the time of the vote.

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 29 April 1981
 SUBJECT: AB 250: Forbids probation or suspension of sentence for persons convicted of burglary.

MOTION:
 DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____
 MOVED BY: MRS. CAFFERATA SECONDED BY: MR. SADER

AMENDMENT:
 Language to the effect that only those individuals who have appeared before a judge once, be it for one or more counts of burglary, been given a second chance, and then repeated the crime who should be denied probation or suspension of sentence.
 MOVED BY: _____ SECONDED BY: _____

AMENDMENT:
 MOVED BY: _____ SECONDED BY: _____

| VOTE: | MOTION | | AMEND | | AMEND | |
|-----------|--------|----|-------|----|-------|----|
| | YES | NO | YES | NO | YES | NO |
| Thompson | X | — | — | — | — | — |
| Foley | X | — | — | — | — | — |
| Beyer | X | — | — | — | — | — |
| Price | X | — | — | — | — | — |
| Sader | X | — | — | — | — | — |
| Stewart | X | — | — | — | — | — |
| Chaney | X | — | — | — | — | — |
| Malone | X | — | — | — | — | — |
| Cafferata | X | — | — | — | — | — |
| Ham | X | — | — | — | — | — |
| Banner | X | — | — | — | — | — |
| TALLY: | 11 | 0 | — | — | — | — |

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

ATTACHED TO MINUTES OF Assembly Judiciary Committee
 Wednesday, 29 April 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 29 April 1981

SUBJECT: AB 227: Requires arrested person to pay costs of positive test for alcohol or controlled substance.

MOTION:

DO PASS AMEND INDEFINITELY POSTPONE
 RECONSIDER AMEND AND DO PASS XX

MOVED BY: MRS. CAFFERATA SECONDED BY: MR. BEYER

AMENDMENT:

Amendment 375 to AB 227. (See EXHIBIT A.)

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 | ABSENT | — | — | — | — | — |
| Malone | <u>X</u> | — | — | — | — | — |
| Cafferata | <u>X</u> | — | — | — | — | — |
| Ham | <u>X</u> | — | — | — | — | — |
| Banner | ABSENT | — | — | — | — | — |
| TALLY: | <u>9</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
 Wednesday, 29 April 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 29 April 1981

SUBJECT: AB 253: Provides penalties for interrupting emergency radio communications.

MOTION:

DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____

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

AMENDMENT:

Amendment 626 to AB 253. (See EXHIBIT B.)

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

| VOTE: | MOTION | | AMEND | | AMEND | |
|-----------|---------------|----------|-------|-------|-------|-------|
| | YES | NO | YES | NO | YES | NO |
| Thompson | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Foley | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Beyer | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Price | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Sader | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Stewart | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Chaney | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Malone | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Cafferata | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Ham | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Banner | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| TALLY: | <u>7</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
 Wednesday, 29 April 1981

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

DATE: Wednesday, 29 April 1981

SUBJECT: AB 253: Provides penalties for interrupting emergency radio communications.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE _____
 RECONSIDER _____ DO PASS AS AMENDED XX

MOVED BY: MR. SADER 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 | ABSENT | ___ | ___ | ___ | ___ | ___ |
| Foley | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Beyer | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Price | ABSENT | ___ | ___ | ___ | ___ | ___ |
| Sader | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Stewart | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Chaney | ABSENT | ___ | ___ | ___ | ___ | ___ |
| Malone | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Cafferata | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Ham | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Banner | ABSENT | ___ | ___ | ___ | ___ | ___ |
| TALLY: | <u>7</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
Wednesday, 29 April 1981

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

DATE: Wednesday, 29 April 1981
 SUBJECT: SB 254: Makes various provisions for discharge from parole and probation.

MOTION:
 DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____
 MOVED BY: MR. STEWART SECONDED BY: MR. SADER

AMENDMENT:
 Section 3, subsection 1(b) should be amended to read:
 "...term which is equal to or greater than the remaining term..."
 MOVED BY: _____ SECONDED BY: _____

AMENDMENT:
 MOVED BY: _____ SECONDED BY: _____

| VOTE: | MOTION | | AMEND | | AMEND | |
|-----------|---------------|----------|-------|-----|-------|-----|
| | YES | NO | YES | NO | YES | NO |
| Thompson | <u>ABSENT</u> | ___ | ___ | ___ | ___ | ___ |
| Foley | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Beyer | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Price | <u>ABSENT</u> | ___ | ___ | ___ | ___ | ___ |
| Sader | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Stewart | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Chaney | <u>ABSENT</u> | ___ | ___ | ___ | ___ | ___ |
| Malone | <u>ABSENT</u> | ___ | ___ | ___ | ___ | ___ |
| Cafferata | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Ham | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| Banner | <u>X</u> | ___ | ___ | ___ | ___ | ___ |
| TALLY: | <u>7</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
 Wednesday, 29 April 1981

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

DATE: Wednesday, 29 April 1981
 SUBJECT: SB 254: Makes various provisions for discharge from parole and probation.

MOTION:
 DO PASS _____ AMEND _____ INDEFINITELY POSTPONE _____
 RECONSIDER _____ DO PASS AS AMENDED XX
 MOVED BY: MR. SADER 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>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Foley | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Beyer | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Price | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Sader | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Stewart | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Chaney | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Malone | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Cafferata | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Ham | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Banner | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| TALLY: | <u>7</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
Wednesday, 29 April 1981

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

DATE: Wednesday, 29 April 1981
 SUBJECT: SB 307: Removes requirement for presentence report in certain cases.

MOTION:

DO PASS XX AMEND INDEFINITELY POSTPONE
 RECONSIDER

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

AMENDMENT:

MOVED BY: SECONDED BY:

AMENDMENT:

MOVED BY: SECONDED BY:

| VOTE: | MOTION | | AMEND | | AMEND | |
|-----------|----------|-------------|-------------|-------------|-------------|-------------|
| | YES | NO | YES | NO | YES | NO |
| Thompson | ABSENT | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Foley | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Beyer | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Price | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Sader | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Stewart | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Chaney | ABSENT | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Malone | ABSENT | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Cafferata | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Ham | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Banner | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| TALLY: | <u>8</u> | <u>0</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

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

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

DATE: Wednesday, 29 April 1981
 SUBJECT: AB 418: Increases maximum fines for misdemeanors and gross misdemeanors.

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

AMENDMENT:
 1) Include the cities
 2) Change the fines to \$1,200 for a misdemeanor and \$3,000 for a gross misdemeanor.

MOVED BY: SECONDED BY:

AMENDMENT:

MOVED BY: SECONDED BY:

| VOTE: | MOTION | | AMEND | | AMEND | |
|-----------|----------|-------------|-------------|-------------|-------------|-------------|
| | YES | NO | YES | NO | YES | NO |
| Thompson | ABSENT | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Foley | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Beyer | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Price | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Sader | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Stewart | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Chaney | ABSENT | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Malone | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Cafferata | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Ham | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Banner | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| TALLY: | <u>9</u> | <u>0</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

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

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Wednesday, 29 April 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 29 April 1981
SUBJECT: AB 418: Increases maximum fines for misdemeanors and gross misdemeanors.

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

AMENDMENT:

MOVED BY: SECONDED BY:

AMENDMENT:

MOVED BY: SECONDED BY:

| VOTE: | MOTION | | AMEND | | AMEND | |
|-----------|----------|-------------|-------------|-------------|-------------|-------------|
| | YES | NO | YES | NO | YES | NO |
| Thompson | ABSENT | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Foley | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Beyer | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Price | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Sader | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Stewart | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Chaney | ABSENT | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Malone | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Cafferata | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Ham | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Banner | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| TALLY: | <u>9</u> | <u>0</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

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

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Wednesday, 29 April 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Wednesday, 29 April 1981

SUBJECT: AB 447: Revises procedures for providing compensation to certain victims of crimes.

MOTION:

DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____

MOVED BY: MR. PRICE SECONDED BY: MRS. CAFFERATA

AMENDMENT:

Amendment 560 to AB 447. (See EXHIBIT C.)

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

| VOTE: | MOTION | | AMEND | | AMEND | |
|-----------|---------------|----------|-------|-------|-------|-------|
| | YES | NO | YES | NO | YES | NO |
| Thompson | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Foley | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Beyer | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Price | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Sader | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Stewart | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Chaney | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Malone | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| Cafferata | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Ham | <u>X</u> | _____ | _____ | _____ | _____ | _____ |
| Banner | <u>ABSENT</u> | _____ | _____ | _____ | _____ | _____ |
| TALLY: | <u>6</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
 Wednesday, 29 April 1981

EXHIBIT A

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"/> | Joint | |
| Date: <input type="checkbox"/> | Date: <input type="checkbox"/> | Bill No. <u>227</u> | Resolution No. _____ |
| Initial: <input type="checkbox"/> | Initial: <input type="checkbox"/> | BDR <u>40-629</u> | |
| Concurred in <input type="checkbox"/> | Concurred in <input type="checkbox"/> | Proposed by <u>Committee on Judiciary</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 No 375



Amend section 1, page 1, by deleting lines 4 through 7 and inserting:

"(a) Has been given a test which has revealed:".

Amend section 1, page 1, line 11 after "addict" by deleting the comma and inserting "; and

(b) Has been convicted of a crime, an element of which is intoxication or being under the influence of or addicted to a controlled substance,".

Amend section 1, page 1, line 15, after "found" by inserting "and who was convicted".

Amend the title of the bill on the second line by deleting "an arrested" and inserting "a"; and on the third line by deleting "found;" and inserting "found and who is convicted of a related crime;".

To: E & E
LCB File
Journal
Engrossment
Bill

APR 29 1981

Drafted by..... DS:ab Date..... 3-29-81 1653

Assembly Judiciary Committee
Wednesday, 29 April 1981

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"/> | Joint | |
| Date: | Date: | Bill No. <u>253</u> | Resolution No.: |
| Initial: | Initial: | BDR <u>16-1169</u> | |
| Concurred in <input type="checkbox"/> | Concurred in <input type="checkbox"/> | Proposed by <u>Assemblyman Malone</u> | |
| Not concurred in <input type="checkbox"/> | Not concurred in <input type="checkbox"/> | | |
| Date: | Date: | | |
| Initial: | Initial: | | |

Amendment No 626



Amend section 1, page 1, line 11, by deleting "within the citizens band," and inserting:

"assigned to the citizens' radio service."

Amend section 1, page 1, by inserting below line 17:

"4. A person is presumed to have intentionally, knowingly or with criminal negligence interrupted, impeded or interfered with a transmission if he:

(a) Interrupted, impeded or interfered with the transmission of a communication on a channel which was dedicated to use for emergency communications; or

(b) Operated equipment capable, by itself or with a linear amplifier, of producing power which exceeds limits set by a regulation of the Federal Communications Commission."

Tc: E & E
 LCB File
 Journal
 Engrossment
 Bill ✓

Drafted by DS:smc Date 4-21-81

1654

| 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>447</u> | <u>Joint</u> |
| Date: <input type="checkbox"/> | Date: <input type="checkbox"/> | | <u>Resolution No.</u> |
| Initial: <input type="checkbox"/> | Initial: <input type="checkbox"/> | BDR <u>16-608</u> | |
| Concurred in <input type="checkbox"/> | Concurred in <input type="checkbox"/> | Proposed by <u>Committee on Judiciary</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 560



Amend the bill as a whole by deleting sections 1 through 3 and inserting a new section designated section 1, preceding section 4, to read as follows:

"Section 1. NRS 217.010 is hereby amended to read as follows:

217.010 It is the policy of this state to (encourage the cooperation and assistance of the public in law enforcement and to promote the public welfare.) provide assistance to persons who are victims of violent crimes or the survivors of victims of violent crimes."

Amend the bill as a whole by renumbering sections 4 through 21 as sections 2 through 19.

Amend sec. 9, page 3, line 4, by deleting "hearing" and inserting: "[hearing] compensation".

Amend sec. 9, page 3, by deleting line 5, and inserting: "who must [be licensed to practice law in this state, to conduct investiga-".

Amend sec. 9, page 3, by deleting line 12 and inserting: "priate.] have had responsible and successful administrative experience. Each compensation officer is entitled to receive wages of \$50 per hour spent in performing his duties, but not more than \$250 per day, and is entitled to a subsistence allowance and reimbursement for travel expenses as provided for state officers and employees."

Amend sec. 9, page 3, line 13, by deleting "Hearing" and inserting "Compensation".

To: E & E
LCB File
Journal
Engrossment ✓
Bill

Drafted by DS:smc Date 4-15-81

Assembly Judiciary Committee
Wednesday, 29 April 1981

Amend sec. 9, page 3, line 17, by deleting "Hearing" and inserting:

"Compensation".

Amend sec. 9, page 3, by deleting line 18, and inserting:

"(a) Conduct an investigation to determine the eligibility of the applicant for aid, including but not limited to:

(1) Compiling bills from physicians who have treated the victim for his injury;

(2) Obtaining from the victim a signed affidavit indicating the amount of any wages allegedly lost because of the injury; and

(3) Reviewing reports of peace officers and statements of witnesses."

Amend sec. 9, page 3, by inserting below line 22:

"4. If an attorney admitted to practice law in this state has been appointed as a compensation officer, he shall not represent or otherwise assist a claimant for compensation with any matter relating to the circumstances which have or may result, directly or indirectly, in a claim."

Amend sec. 10, page 3, line 37, by deleting "hearing" and inserting:

"compensation".

Amend sec. 10, page 3, line 40, by deleting "hearing" and inserting:

"compensation".

Amend sec. 11, page 4, line 7, by deleting "its] hearing officer" and inserting:

"its hearing] compensation officer".

Amend sec. 11, page 4, line 10, by deleting "hearing" and inserting:

"ccompensation".

Amend sec. 11, page 4, line 20, by deleting "its] hearing officer" and inserting:

"its hearing] compensation officer".

Amend sec. 11, page 4, line 23, by deleting "its] hearing officer" and inserting:

"its hearing] compensation officer".

Amend sec. 11, page 4, line 26, by deleting "hearing" and inserting:

"compensation".

Amend sec. 12, page 4, line 36, by deleting "hearing" and inserting:

"ccmpensation".

Amend sec. 13, page 4, line 45, by deleting "[board] hearing officer" and inserting:

"board".

Amend sec. 14, page 5, line 5, by deleting "[board] hearing officer" and inserting:

"board".

Amend sec. 14, page 5, by deleting lines 13 and 14, and inserting:

"offense giving rise to the application.) If the claimant has received any amount on account of his injuries or the death of another from:".

Amend sec. 14, page 5, line 18, by deleting "assistance." and inserting:

"assistance,

Just the board shall reduce the award of compensation by that amount. Any of those sources which is obligated to pay any amount after the award of compensation shall pay the board any amount of compensation which has been paid to the claimant and pay the remainder of the amount due to the claimant."

Amend sec. 15, page 5, line 23, by deleting "[board] hearing officer" and inserting:

"board".

Amend sec. 15, page 5, line 24, by deleting "board may order the".

Amend sec. 15, page 5, line 38, by deleting "[board] hearing officer" and inserting:

"board".

Amend sec. 15, page 5, line 41, by deleting "[board] hearing officer" and inserting:

"board".

Amend sec. 16, page 6, line 6, by deleting "hearing" and inserting:

"compensation".

Amend sec. 16, page 6, by deleting lines 7 and 8, and inserting:
"60-day limitation."

Amend sec. 17, page 6, line 28, by deleting "hearing" and inserting:

"compensation".

Amend sec. 20, page 7, line 6, by deleting "emergency fund." and inserting:

"[emergency fund.] fund for the compensation of victims of crimes, which is hereby created. Money in the fund must be disbursed on the order of the board in the same manner as other claims against the state are paid."

Amend the bill as a whole by adding three new sections, designated sections 20 through 22, following section 21, to read as follows:

"Sec. 20. NRS 178.518 is hereby amended to read as follows:

178.518 Money collected pursuant to NRS 178.506 to 178.516, inclusive, [is to] must be paid over to the [county treasurer.] state treasurer for deposit in the fund for compensation of victims of crimes.

Sec. 21. NRS 179A.090 is hereby amended to read as follows:

179A.090 No agency of criminal justice in Nevada which has a cooperative agreement with a repository of Nevada records of criminal history may disseminate any record of criminal history which includes information about a felony or a gross misdemeanor without first making inquiry of the repository of Nevada records of criminal history, to obtain the most current and complete information available, unless:

1. The information is needed for a purpose in the administration of criminal justice for which time is essential, and the repository of Nevada records of criminal history is not able to respond within the required time;

2. The full information requested and to be disseminated relates to specific facts or incidents which are within the direct knowledge of an officer, agent or employee of the agency which disseminates the information;

3. The full information requested and to be disseminated was received as part of a summary of records of criminal history from the Nevada records of criminal history information repository within 30 days before the information is disseminated;

4. The statute, executive order, court rule or court order under which the information is to be disseminated refers only to information which is in the files of the agency which makes the dissemination; [OR]
5. The information requested and to be disseminated is for the express purpose of research, evaluation or statistical activities to be based upon information maintained in the files of the agency or agencies from which the information is sought [.] ; OR

6. The information is requested by a compensation officer of the state board of examiners pursuant to NRS 217.090.

Sec. 22. NRS 217.190 is hereby repealed."