

Date: May 23, 1981

Page: One

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

MEMBERS ABSENT: Mr. Price (excused)

GUESTS PRESENT: See attached guest list.

Chairman Stewart called the meeting to order at 11:00 a.m. and informed the committee that the first item on the agenda was AB 404.

AB 404: Amends various provisions relating to civil commitment of criminal offenders.

Mr. Bruce Laxalt, Washoe County District Attorney's Office, said that when he testified on this bill before the committee at an earlier date, one point had been missed and proposed that on page 3, section 4, subsection 1, "must" be changed to "may" because they feel the court should be able to make an independent judgment and will conform with page 2, section 2, section c which gives the court the ability to set aside the conviction if the court feels that the program has been satisfactorily completed.

Mr. Sader suggested amending the language to require that the treatment facility certifies and the court must approve the certification because by changing the wording to "may" it appears that the court has discretion not to do so. Mr. Laxalt agreed with Mr. Sader as long as the court has the ability to make the determination that the person is satisfactorily completed the program.

When Mr. Beyer asked how the court would make this determination, Mr. Laxalt replied that there would be a hearing whereby the program director or the therapist would testify and be examined by the court, the defense attorney and by the prosecution.

Mrs. Cafferata moved to AMEND AB 404 on page 3 by requiring that treatment facilities certify to the court that the person has satisfactorily completed the treatment and then the court must approve the certification and DO PASS AS AMENDED, seconded.

by Mr. Stewart and carried unanimously by the members present with Mr. Price absent.

AB 611: Makes various amendments to provisions of law governing junk and secondhand dealers.

Mr. Larry Ketzenberger, Las Vegas Metropolitan Police Department, said that AB 611 was requested by the Investigative Services Division of the Metropolitan Police Department because of a challenge of a city ordinance by a secondhand dealer; this ordinance required that property be kept by a secondhand dealer for fifteen days but state law required that property be kept for four days. He indicated that the Investigative Services Division felt that four days was an insufficient time for the department to be able to check adequately the crime reports that had been filed to determine whether this property was stolen property or not. As a result of meetings between all parties concerned, Mr. Ketzenberger said that it was felt there should be a change in the state law to a ten day requirement, the City of Las Vegas would change there ordinance and this would bring the state, the county and the city under the same time frame.

In the remainder of the bill according to Mr. Ketzenberger the changes are mostly cleanup language and removing some requirements of information that must be kept by the person accepting the property. He indicated that the law was silent on how long a secondhand dealer must keep a record of property and AB 611 would require that records be kept for one year. He noted that AB 611 also changes the penalty to a misdemeanor for the first offense and a gross misdemeanor for each subsequent offense.

Mr. Ketzenberger said that in discussion of the bill it was pointed out that coins are not identifiable, and, therefore, there would be no objection to excluding dealers in coin or bullion.

Mr. Bernard Richter, a secondhand furniture dealer from Sparks, said that they only had one objection to the bill and that was that there was no clear explanation of personal property. He explained that it was very difficult for a dealer to list every piece of personal property, such as pots and pans, TV's, radios, etc., because they usually buy such things in whole lots. He noted that it was also difficult for dealers to keep a record of this type of property and to hold it for ten days because of bad checks or a person absconding with the merchandise.

Mr. Steve Stremmel, Stremmel Auctions, spoke against AB 611 because on page 2, line 8, it states "or accepting for auctioning" which would include auctioneers under this bill. He said that he could not do this because sometimes he receives merchandise from his buyers in other countries and has no idea where these goods originated. He also objected to the ten day requirement because he felt that if merchandise was to be fenced it would happen immediately.

Mr. Stewart said that he would hold the bill to give Mr. Ketzenberger time to work out some of the problems of this bill.

AB 624: Repeals requirement to corroborate testimony of accomplice in criminal trial.

Mr. Bruce Laxalt, Washoe County District Attorney's Office, said that this bill will repeal the accomplice testimony rule. He said that because there is a great deal of opposition to this bill and because of the lateness of the session, they would like to focus their energy towards the passage of AB 659 and have no objection if AB 624 is dropped.

AB 659: Permits state to appeal pretrial order suppressing evidence.

Mr. Laxalt said that this bill was very important because at present the state has no right to appeal an adverse motion to suppress at any stage of a proceeding. He explained that a motion to suppress is a motion brought by the defendant before trial in which he alleges that evidence has been unlawfully taken from him at which time a hearing is held before the court which is called a suppression hearing; if the defendant loses that and the evidence is allowed to come into trial, he can appeal that at the end of the trial, but if the state loses, there is no appeal. He commented further that this means that discretion is left in the hands of the trial judges, but if AB 659 is passed it would give both parties, the defendant and the state, the right to appeal from a motion to suppress upon a showing of good cause to the supreme court. He noted that this is very important to the District Attorney's Association, which he is representing, and also the Attorney General's Law Enforcement Group of which he is also a member. He urged passage of AB 659.

When Mrs. Ham asked why they did not have the right in the first place, Mr. Laxalt replied that during the 1977 or 1979 session a legislative language change was interpreted by the supreme court to mean that the state no longer has this right, and they are now attempting to return this right that they formerly had.

Mr. John Connor, a member of the Nevada Trial Lawyers Association, said that they did not oppose this bill because they felt there were enough protections in the bill to impede unnecessary delays in trials.

Mr. Sader moved DO PASS on AB 659, seconded by Mrs. Ham and carried unanimously by the members present with Mr. Banner, Mr. Price, Miss Foley and Mr. Thompson absent at the time of the vote.

AB 694: Provides for waiver of attorney's fees against state or county by organizations conducting legal aid programs which accept certain government subsidy.

Mr. Larry Struve, representing the Attorney General's Office, testified first on this bill. He noted that the AG's Office is interested in this bill because of a presentation which they made to the Committee on Ways and Means regarding an award of attorneys' fees in the case of Craig vs. Hocker, which has resulted in a situation where the only way the state can pay those attorney fees is through a special legislative appropriation.

He explained that the above-mentioned lawsuit was commenced in 1972, and was a very extensive prison conditions lawsuit. He said the case continued through August 1980, with some very extensive litigation involving the state, the Washoe County Legal Aid Society, and some private attorneys who had been appointed by the court to represent some of the inmates. At the conclusion of the proceedings, a claim or motion was made by Washoe Legal Services to the Federal District Court, under the Federal Attorneys' Fee Act, for an award of attorneys' fees for the work that they had done in this extensive litigation. He noted that the federal judge awarded, by Federal Court order, the sum of \$77,680 to the Washoe Legal Services for the work that they had done. Based on this action by the federal judge, and based on the determination by the AG's Office that there were no proper grounds to appeal the case after this extensive period of litigation to the Ninth Circuit, a claim was submitted to the Nevada State Board of Examiners. Under Nevada law the State Board of Examiners may only pay claims that are \$50,000 or less; therefore they deferred action on this attorneys' fee claim and referred the matter to the Nevada Legislature, which is the only available procedure, for a special appropriation to pay that claim.

Mr. Struve said this matter was heard sometime in April by the Assembly Committee on Ways and Means. He said his office had provided some background of this case, and had indicated to the Committee on Ways and Means that there were certain options available to a Federal District Court judge to compel the enforcement of a court award of attorneys' fees; they generally involve citations, civil or criminal, against the state individual employees and officers who were named in the suit, and under state law any judgments of that kind entered against state officials require the state to indemnify them under the provisions of NRS 41.0349.

The Committee on Ways and Means did not appear interested in acting on this request from the AG's Office, in Mr. Struve's opinion, because of AB 694 which was being drafted and considered by the Committee on Judiciary. The concern that was expressed to Mr. Struve by members of the Committee on Ways

and Means is that they were under the impression--which is correct--that some funds are provided to the Legal Aid Societies throughout the state by means of these fees collected by the county clerk, and then there is a remission to the county treasurer, and the county treasurer then remits the money to the Legal Aid Societies. Accordingly, if the special appropriation were approved for \$77,000 in this case, there would, in essence, be a double payment of public funds to the Washoe Legal Services. It is Mr. Struve's understanding that the Committee on Ways and Means has deferred any action on the recommendation of the AG until the Committee on Judiciary decides whether or not to make any amendments to Chapter 19, which provides, in essence, an offset in the fees that are now provided under state law to fund Washoe Legal Services and other Legal Aid Societies, or to have a fund from the general appropriation fund pursuant to this court award.

Mr. Struve said that as he reads AB 694, it attempts to try and address the problem by prohibiting a Legal Aid Program from collecting attorneys' fees from a state or county assuming that a court has awarded them the attorneys' fees. The feeling in the AG's Office is that this bill is probably not constitutional, and if it were, it may not be enforceable in your Federal District Court actions. The Federal Attorneys' Fee Act is certainly going to control, and under that act the Legal Aid attorneys are entitled to request their attorneys' fees if they are the prevailing party, and it is obviously up to the court, in the judicial branch of government, to determine whether or not fees should be awarded, and if so, in what amount. So accordingly, attempting to correct the problem in this way, as the Committee on Ways and Means was considering, would probably not be effective.

Mr. Struve stated that the Deputy Attorney General who was involved in the latter stages of this Craig vs. Hocker case has put together a proposed amendment (EXHIBIT A), for the sake of putting the policy issue before the Committee on Judiciary. He said it was up to this Committee to decide whether or not there should be a law that prohibits the double dipping described above. He assumed that, if the Committee voted this down, then the issue would go back to the Committee on Ways and Means to deal with the court award of attorneys' fees. If the Committee on Judiciary makes the policy decision that there ought to be a balancing--either they get the attorneys' fees or they are entitled to the full amount under the provisions of Chapter 19--the amendment he is suggesting would carry out that policy if that is the desire of the Committee.

The witness noted that the amendment would basically amend subparagraphs 2 and 3 of section 1 of the bill. It would provide that any organization that conducts a legal aid program and receives money pursuant to Chapter 19 shall not be entitled to receive any money pursuant to this section in excess of any sums collected as attorneys' fees or costs awarded by any court against the state or a political subdivision thereof. He said the mechanism would be that notice would have to be given to the county treasurer that an award of

2247

Date: May 23, 1981

Page: Six

attorneys' fees has been paid to a Legal Services organization, and with that information the county treasurer would be then directed by statute to deduct the sums that have been paid to that organization pursuant to the award of attorneys' fees from the amount paid to the organization. The amount of the deduction is then remitted to the state or political subdivision which has paid the fees or the attorneys' costs, thereby putting in balance the total state authorized funds to the Legal Aid Programs.

In reply to a question from Mr. Stewart, Mr. Struve said it was his understanding that Legal Aid is funded through three sources: 1) the Federal Legal Services Corporation, which is now undergoing review in Congress regarding the level of funding; 2) charitable contributions; and 3) fees from the state by means of Chapter 19.

Mr. Sader asked if the Committee on Ways and Means is reading the situation to mean that if AB 694 is passed by the Judiciary Committee, then the Committee on Ways and Means will approve the \$77,000 appropriation and the Washoe County treasurer will continuously deduct money from the state funds granted under Chapter 19 until the full amount is reached. Mr. Struve said this was his understanding of the situation. He added that the Committee on Ways and Means did not seem to disagree with the position that the state must pay the award of attorneys' fees; what they were upset about was if this is paid, will they then still get the full amount under the state funds as noted above. He further said that as far as he knows, these funds are not required to be a certain percentage of the federal funding; the amount is simply set by state policy.

It was pointed out that, in civil rights cases, you cannot collect attorneys' fees in the award unless you win the case. Thus, the court must first decide in some form that there was a violation of civil rights, or some remedy must be provided under the law.

Next to testify on this bill was Mr. Steve Robinson, from the Department of Prisons. He said he only wanted to add the Department's support and endorsement of the concept, including the AG's proffered amendment, and urge the Committee's approval of AB 694.

Next to testify were Mr. Chuck Zaye, Director of Washoe Legal Services, and Mr. Fred Leeih, Director of the Nevada Indian Legal Services. Mr. Zaye said he was also counsel in the case of Craig vs. Hocker.

Mr. Zaye said he did not disagree too much with Mr. Struve's testimony, other than to point out additionally that Washoe Legal Services was also appointed by the Federal Court as counsel in the above-mentioned case; it was not a case that came to them in any other route but by virtue of appointment. Also, in response to Mr. Sader's question regarding the Attorneys' Fees Civil Rights Act of 1976, it provides for attorneys' fees in only ~~these~~ situations where a party has

prevailed. Mr. Zaye added that the results of the case were bordering on spectacular, and that was probably why they were qualified or eligible for attorneys' fees. He then went on to cite the benefits to the state of that case.

Mr. Zaye said the Legal Aid Services actually receive no money from the State of Nevada, nor from any political subdivision of the State of Nevada. He stated this raises another basic or fundamental policy issue, which the proposed amendment to the statute creates: it should be born in mind that the Washoe Services receive about \$37,000 as a result of that particular statute. Those monies are remitted to the Legal Service from the county, but the funds are collected as an additional surcharge of \$3.00, as a part of the filing fees for any civil action in the State's District Courts; a plaintiff who files a complaint pays a \$3.00 surcharge, and similarly the defendant, in filing their answer pays the filing fee and the \$3.00 surcharge. Thus, Mr. Zaye felt the money does not come from the county, nor does it come from the state, but in essence it is a user tax on the court system. It is the individual filing the lawsuit who pays the \$3.00, it is not any money that comes from the state treasury or the county treasury.

Mr. Sader summarized this by noting it was Mr. Zaye's position that the county merely collects the money and remits it. Mr. Zaye said this was it exactly; it is a user tax.

Mr. Zaye said that steady source of income, which is remitted quarterly, had made it possible for the Services to become involved in several cases involving various political subdivisions, and they have been able to settle a lot of those cases--in fact the vast majority of the cases are not litigated. Where settlement has been possible, they have also waved attorneys' fees in a considerable number of cases. They have been able to do that because of the fact that the \$37,000 has been a source of income to them.

The witness went on to note that it is almost certain there will be litigation in the future involving the Legal Aid Services and the state or other political subdivisions, and where attorneys' fees and particularly costs will be required to be collected. As a result, the real issue is taking away that \$37,000 from Washoe Legal Services and \$40,000-\$50,000 from Clark County. That money will have to be made up someplace in order to operate the program, and therein lies the basic policy question. Should this bill pass the Services will no longer have the flexibility to wave attorneys' fees, since they will have lost this other source of income. He summarized that what this bill really does is shift the burden from essentially a user tax, to the paying of those monies directly by the county, or the city, or the State of Nevada because there will no longer be that flow of funds. This shifts the burden from the people who use the court system to the county, the city or the state. Thus it is not a cost-saving measure; it will require the Services to press for attorneys' fees against the state, and will result in costing the state more money.

There followed a series of questions and answers which reiterated and clarified Mr. Zaye's testimony. It was learned that Washoe Legal Services, last year, received \$135,000 from the Federal Legal Services Corporation; that the value of the CETA employees working for them was circa \$60,000; that they received no charitable contributions; that they received about \$37,000 from the filing fees; and that they received about \$15,500 (this year it is \$21,500) from the United Way. It was also noted that only about 1% of the Legal Services cases are against the state, and these cases take up about 10% of their time. The majority of these cases are civil rights types of cases.

In reply to Mrs. Cafferata Mr. Zaye noted that 30% of their present caseload involves domestic cases; i.e., battered women or battered children--matters of domestic violence. He said that 20% of the caseload involves income maintenance type problems; i.e., social security, disability, etc. These are government problems, but they are not civil rights cases. The remaining caseload breaks down as follows: 17% are consumer oriented; 13% are housing; and the balance--13%--are miscellaneous. In addition, Mr. Zaye pointed out that 40% of the Legal Services' clients are 55 years of age or older.

In reply to Mr. Sader it was stated that the only provision for attorneys' fees under the Social Security Administration is to take the money out of the award to the client, and Legal Services does not do this. He said most of the time these cases involve people who have been living on the margin of disaster anyway, and it seems unfair to take the money. This is Legal Services policy, and it is Mr. Zaye's opinion that federal regulations also address this and indicate that they shouldn't do it.

Mr. Zaye explained that the Services' current funding is \$145,000, which runs through September 30, 1981. He does not know what will happen to the Legal Services Corporation, which is the national organization which funds the local Legal Services; that is one of the programs being closely looked at by the U.S. Congress. Right now, nationally, Legal Services Corporation is funded at \$321 million, but the proposed estimates vary from \$0 to \$260 million. It is assured there will be substantial cuts in this funding. He added that there are approximately 320 Legal Services Programs across the country, with 1200 neighborhood offices. There are three Legal Services programs in the State of Nevada at the present time: Clark County, Nevada Indian, and Washoe County Legal Services. These all have separate budgets and funding. Mr. Zaye said that Washoe Legal Services serves about 30,000 people with a staff of about 3 1/2 lawyers who handle in excess of 400 individual clients per attorney; at least 6,000 of those 30,000 people have legal problems, but Legal Services is only capable of handling about 1,800 of them on an annual basis.

Mr. Leeih then testified that his group is presently trying to deliver legal services to rural counties, and will be getting



the money to do this starting next month. In answer to some of the questions put to Mr. Zaye, Mr. Leeih said his budget for the Indians was \$75,000 for the whole State of Nevada--this involves 23 reservations and the seventh largest state in the nation. The rural money will be approximately the same. Thus, they are trying to deliver legal services to the whole of rural Nevada--which includes Carson City and everything but Clark and Washoe Counties--for around \$150,000 per year.

Mr. Leeih reiterated that the only certainty about the funding of Legal Services Corporation is that it will be cut. The most generous bill is \$100 million less than last year, so it will be hard times for Legal Services.

Mr. Leeih said AB 694 is faulty for a number of reasons. First, the economic impact alone is very small on the state. In the history of his program all they have collected was \$10,000 as a result of an appointment by judge Gregory in Carson City for a criminal defense, something which they cannot use Legal Services money for--it was an appointment like any other lawyer would have. That is all his office has collected, and it just happens that Mr. Zaye received one large fees award--this is a rare occurrence.

Mr. Leeih said that twice his office has asked for a fees award, twice: once they dismissed their request because they agreed with the state to do it, and the second time they lost the case, so they didn't get the money because they didn't prevail. But this is really not a substantial source of income to Legal Services, nor is it a substantial drain on the state.

Regarding the social impact of AB 694: paying isn't all bad, it keeps you straight. Legal Services itself, in the statutory language that created the Corporation, specifically said that Legal Services Corporation could be sued if they bring a non-meritorious case. This has been a good control on Legal Services. They are willing to pay if they make a mistake, that is the way the law in the civil rights area has been written, and thus the state should also be willing to pay if they make a mistake.

Mr. Leeih also noted that, because his program serves the Indians and not all the county, his group cannot currently collect the surcharges as do the other two Legal Services Programs in Nevada. He said that once his program starts serving the rural counties, they will be eligible to collect this surcharge, and it will be a help to them.

He finished his testimony by noting it was his hope that Legal Services would still be able to collect attorneys' fees and costs and that the \$3.00 surcharge would continue to be collected.

Again there were several questions about Mr. Leeih's testimony which merely served to clarify his position.

Last to testify on AB 694 was Mr. Bob Shriver, of the Nevada Trial Lawyers Association. He said they do not like this bill. They feel that in actuality this bill emitted as a reaction to a legal fee for a case which brought about some good to the State of Nevada. He felt this bill might end up costing the state more money down the road than it does now. He said Mr. Zaye and Mr. Leeih tried to point out that the user fee is not a state endorsement of the Legal Services; it comes from plaintiffs, etc. who file civil actions before the court in the counties of Clark and Washoe only. In the rural areas they do not get a fee because they are not representing the people in that area. Thus this is a penny wise and pound foolish measure in that it looks good now, with the \$70,000 legal fee, but in actuality down the road it may cost the state and counties more money. And that is why they are opposed to the bill.

Mr. Shriver also noted that the fact this money would be deducted from the user fee could affect the decision of whether or not to appeal a case, and thus could affect the justice system. He also reiterated that Legal Services will undoubtedly be cut from the national level, and the current administration and Senator Laxalt have implied that they want the local governments to take up more and more of the funding of Legal Services.

Mr. Malone moved AMEND AND DO PASS AB 694, seconded by Mrs. Cafferata. In the discussion which followed, Mr. Sader said he opposed this bill because these fees are largely recovered in situations where Legal Services is suing the state, and the state is wrong. This is a way to ensure that at least, of all the violations of civil rights that occur, a few of these will be addressed. Since some of these are being perpetrated by the state, taking away their ability to get their fees out of it would result in further restricting the availability of justice to those who are wronged in our society. When the state is sued on a violation of civil rights, at the outset of the case it has the option to take a look at their practice, decide whether or not they are indeed violating someone's civil rights, and rectify it. In those cases there would never be any attorneys' fees. But if the state decides to go for it, and not change their practice for whatever reason, and they lose, they ought to be responsible for the fiscal consequences.

Ms. Foley said she agreed with Mr. Sader. She explained that she had worked for Congressman Santini and Senator Canon, and they had people in daily with problems; they couldn't afford an attorney, they desperately needed one. They would refer many of them to Legal Services. All of them really needed representation, but unfortunately only the best cases were able to be dealt with because of the lack of funds. She also agreed that if the state or county is wrong, just the same way as if anyone else had sued them, they should have to pay.

Mr. Stewart said he supported the amendment, only because of the fact that Legal Services are substantially supported by federal funds; there is a \$3.00 fee which is a tax just as much as any other thing is a tax, it is public money which has been earmarked for ~~this kind~~ of a service; and if the ~~state~~

state is going to help support them, then they ought to have some control over it by allowing them to have attorney's fees deducted from the state funds. That is why he supports the bill.

Mr. Malone's motion failed, with the vote five (5) in favor, three (3) against, and three (3) absent. Mr. Beyer, Mrs. Cafferata, Mrs. Ham, Mr. Malone, and Mr. Stewart voted in favor; Miss Foley, Mr. Sader and Mr. Thompson voted against; and Mr. Banner, Mr. Chaney and Mr. Price were absent at the time of the vote.

AB 627: Makes various changes in provisions regarding juveniles and juvenile courts.

Mr. Stewart said that the suggestion had been made that on page 1, line 9, prenatal was too broad a term and should include congenital drug addiction or fetal alcohol syndrome.

Mrs. Cafferata moved to AMEND AND DO PASS AB 627, seconded by Mr. Sader and carried unanimously by the members present with Mr. Price absent.

AB 626: Requires filing of case plan with court before child is permanently placed outside his home.

Mr. Sader moved to AMEND AND DO PASS AB 626, seconded by Miss Foley and carried by a vote of 8 to 2 with Mrs. Cafferata and Mrs. Ham voting no and Mr. Price absent.

SB 83: Increases punishment for driving under influence of intoxicants.

Mr. Sader distributed copies of the amendments which the committee had previously voted on which are attached to these minutes as EXHIBIT B. He indicated that Miss Foley had an additional proposed amendment dealing with penalties and distributed a comparison of current penalties and proposed penalties which is attached as EXHIBIT C. He reviewed with the committee the suggested changes to the proposed penalties as marked on EXHIBIT C.

During Mr. Sader's review, Mr. Malone commented that license suspension is a deterrent; that a driver's license is a privilege and this privilege should be taken away if abused.

In response to a question by Mrs. Cafferata, Mr. Sader said that the problem with such stiff penalties is that a police officer will cite a person with a previous DUI record with reckless driving rather than making him spend a year in jail.

Mr. Malone listed the steps that an officer takes in a DUI arrest: 1) Stop the driver. 2) Give a sobriety test if the driver so chooses. 3) Impound the automobile. 4) Take the driver to a hospital or authorized place for a breath analysis.

Date: May 23, 1981

Page: Twelve

or urinalysis or blood alcohol test. 5) Book the person into jail. 6) Take the tests to the lab. 7) Make up five separate reports. Consequently, he said, no officer is going to take a minimum of half a day on a DUI if the person cannot be proved to be drunk.

Mr. Stewart suggested amending page 3 of EXHIBIT C by changing revocation to three years rather than permanently and page 1 by changing one day to 24 hours.

Miss Foley stressed that she was not in favor of this bill even with the further amendments as outlined by Mr. Sader. She indicated that she did not feel that the twenty-five votes against this bill on the floor were just against the picture in the newspaper but were more in opposition to the severe penalties on first offense. She suggested keeping present penalties of a misdemeanor with mandating of an educational course with payment by the offender. She noted that she did want a DUI bill to be passed this session of the legislature, but she felt that the bill as presently amended would not pass on the floor of the Assembly and recommended deleting the first offense under the new penalties.

Mr. Chaney agreed with Miss Foley and also emphasized that permanent revocation should be changed to a maximum of three years.

Mrs. Cafferata moved to AMEND SB 83 by changing one day to 24 hours throughout the bill and by changing permanent revocation to three years and DO PASS AS AMENDED, seconded by Mr. Beyer. The motion was carried by a vote of 6 to 4 with Mr. Beyer, Mrs. Cafferata, Mrs. Ham, Mr. Malone, Mr. Sader and Mr. Stewart voting in favor and Mr. Banner, Mr. Chaney, Miss Foley and Mr. Thompson voting against. Mr. Price was absent at the time of the vote.

AB 624: Repeals requirement to corroborate testimony of accomplice in criminal trial.

Mrs. Cafferata moved to INDEFINITELY POSTPONE AB 624, seconded by Mrs. Ham and carried unanimously by members present with Mr. Price absent at the time.

SB 449: Permits diversion of telephone lines in situations involving hostages and recording of conversations with permission of one party.

Mr. Sader moved DO PASS on SB 449, seconded by Mr. Malone and carried by a vote of 8 to 2 with Mrs. Cafferata and Mr. Chaney voting no and Mr. Price absent.

SB 35: Redefines "cheating" and increases penalties for gaming offenses.

Mrs. Cafferata moved to AMEND SB 35 by deleting subsection 3,

beginning on line 45 on page 4, seconded by Mr. Sader and carried unanimously by the members present with Mr. Price absent.

Miss Foley moved DO PASS AS AMENDED, seconded by Mrs. Cafferata and unanimously carried by members present with Mr. Price absent.

SB 432: Increases number and allowances of costs for expert witnesses.

Mr. Banner moved DO PASS on SB 432, seconded by Mr. Thompson and carried by a vote of 9 to 1 with Mrs. Cafferata voting no and Mr. Price absent.

SB 310: Revises procedures for release without bail.

Miss Foley moved to AMEND SB 310 by deleting lines 29 through 31 on page 2, seconded by Mr. Sader and carried unanimously by the members present with Mr. Banner, Mr. Malone, Mr. Chaney and Mr. Price absent at the time of the vote.

Mr. Sader moved DO PASS AS AMENDED, seconded by Miss Foley and carried unanimously by the members present with Mr. Banner, Mr. Malone, Mr. Chaney and Mr. Price absent at the time of the vote.

In discussion of SB 248, Mr. Sader explained that the Assembly passed the comprehensive incompetency bill, and if that bill passes the Senate, SB 248 will not be necessary. The committee decided to hold SB 248 until the outcome of the above mentioned bill is known.

AB 423: (Provides stricter definitions of group insurance policies for certain purposes.) *wrong summary, but this is the vote on AB 423 - see also 5/7)*

Mr. Malone moved DO PASS on AB 423, seconded by Miss Foley and carried unanimously with Mr. Banner, Mr. Chaney and Mr. Price absent at the time of the vote.

SB 355: Limits duration of and expands permitted reasons for temporary furloughs of prison inmates.

Mrs. Cafferata moved to INDEFINITELY POSTPONE SB 355, seconded by Mr. Stewart. The motion died for lack of a majority with Miss Foley and Mr. Thompson voting no, Mr. Sader abstaining and Mr. Banner, Mr. Chaney and Mr. Price absent at the time of the vote. The committee decided to hold this bill for a future vote when more members were present.

SJR 32: Proposes to amend Nevada constitution to establish staggered terms for district judges.

Mr. Beyer moved DO PASS AS AMENDED per Mr. Daykin's suggestion of the previous day, seconded by Mr. Sader. The motion died for lack of a majority with Mr. Beyer, Mr. Sader and Mr. Stewart voting in favor and Mrs. Cafferata, Mrs. Ham, Mr. Malone

and Mr. Thompson voting against. Mr. Chaney, Mr. Banner and Mr. Price were absent at the time of the vote.

SB 416: Specifically allows employment of prisoners on public works projects.

Mr. Malone moved DO PASS on SB 416, seconded by Mr. Sader and carried unanimously by members present with Mr. Banner, Mr. Chaney and Mr. Price absent.

SB 482: Authorizes attorney general to investigate and prosecute crimes of state officials.

Mrs. Cafferata moved to AMEND AND DO PASS SB 482, seconded by Miss Foley and carried by a vote of 7 to 2 with Mr. Banner and Mr. Thompson voting no and with Mr. Chaney and Mr. Price absent.

AB 596: Revises requirements for consent and notice in cases of abortion.

Mr. Stewart reviewed some amendments for AB 596: Page 1, line 7, change "48" to "24"; delete line 18; delete lines 8 through 18 on page 2; in section 4 dealing with notification of a husband the language should be changed to read "if possible to do so"; in section 5, if a woman is a minor, unmarried and unemancipated, notice to the parents is required if possible to do so. He further suggested that language be added at the end requiring the doctor to keep his records for a period of five years and violation of these sections would be a misdemeanor. Mr. Stewart indicated that case law proves these amendments to be necessary.

Mrs. Cafferata moved AMEND as outlined above and DO PASS, seconded by Miss Foley and carried by a vote of 9 to 1 with Mr. Sader voting no and Mr. Price absent.

SB 413: Makes various changes in provisions regarding supervision of certain gaming establishments.

Mr. Beyer moved to AMEND SB 413 by deleting subsection 5 and DO PASS AS AMENDED, seconded by Mrs. Ham and carried unanimously by members present with Mr. Price absent.

SB 359: Revises certain requirements for takeover bids affecting corporations.

Mr. Stewart commented that most of the attorneys that handle corporations feel this bill should pass because several other states, such as Delaware, California, etc., do have this type of legislation and Nevada should be able to compete with these other states.

Mr. Sader moved DO PASS on SB 359, seconded by Mrs. Cafferata and carried unanimously by members present with Mr. Price absent.

SB 527: Makes various changes to the laws regulating gaming.

Mr. Stewart reviewed previously proposed amendments: Page 6, line 22, add "or document" after communication; page 6, line 24, change "made" to "transmitted"; page 36, line 48, change "the" to "any" and change "personnel" to "agent."

Mrs. Cafferata moved to AMEND as above and DO PASS AS AMENDED, seconded by Mr. Sader and carried unanimously by those present with Mr. Beyer and Mr. Price absent.

SB 476: Clarifies meaning of "interest" in relation to disclaiming interest in property.

Mrs. Cafferata moved DO PASS on SB 476, seconded by Mr. Malone and carried unanimously by those present with Mr. Price absent.

SB 452: Provides and increases penalties for fraudulently obtaining certain public assistance.

Mr. Sader moved DO PASS on SB 452, seconded by Mrs. Cafferata and carried unanimously by those present with Mr. Price absent.

SB 450: Eliminates requirement for corroboration of victim's testimony in cases involving abortion or prostitution if witness is a peace officer.

Mrs. Cafferata moved DO PASS on SB 450, seconded by Mr. Stewart and carried by a vote of 8 to 2 with Mr. Thompson and Mr. Chaney voting no and with Mr. Price absent.

SB 438: Amends provisions relating to corporations.

Mr. Sader explained amendment no. 916 to SB 438 to the committee dealing with treasury stocks.

Mrs. Cafferata moved to AMEND per Amendment No 916 and DO PASS AS AMENDED, seconded by Mr. Sader and carried unanimously by the members present with Mr. Price absent.

SB 578: Requires duplicative statutory language and supplies omitted provision concerning marriage.

Mr. Sader explained that this bill is in conflict with another bill and the committee felt they should hold the bill for further information on the conflict.

SB 576: Provides penalty for fraud committed by physician providing care for medically indigent.

Mrs. Cafferata moved DO PASS on SB 576, seconded by Miss Foley and carried unanimously by the members present with Mr. Price absent.

2257

SB 563: Requires search of certain arrested persons for devices which identify medical conditions.

Mrs. Cafferata explained that this bill basically deals with diabetics who are arrested for drunkenness but are actually in a diabetic coma; that this bill could save lives.

Mrs. Cafferata moved DO PASS SB 563, seconded by Mr. Sader and carried by a vote of 9 to 1 with Mr. Malone voting no and with Mr. Price absent.

Since there was no further business, Mr. Stewart adjourned the meeting at 3:40 p.m.

Respectfully submitted,



Patricia Hatch  
Secretary



61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: AB 404: Amends various provisions relating to civil commitment of criminal offenders.

MOTION:

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

MOVED BY: Mrs. Cafferata      SECONDED BY: Mr. Stewart

AMENDMENT:

Page 3: Amend by requiring that treatment facilities certify to the court that the person has satisfactorily completed the treatment and then the court must approve the certification

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>absent</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>0</u>	---	---	---	---

ORIGINAL MOTION:      Passed XX      Defeated \_\_\_\_\_      Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_      AMENDED & DEFEATED \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_      AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981

61st NEVADA LEGISLATURE  
 ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: AB 659: Permits state to appeal pretrial order suppressing evidence.

MOTION:

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

MOVED BY: Mr. Sader SECONDED BY: Mrs. Ham

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>absent</u>	_____	_____	_____	_____	_____
Beyer	<u>X</u>	_____	_____	_____	_____	_____
Price	<u>absent</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>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 May 23, 1981

61st NEVADA LEGISLATURE  
 ASSEMBLY JUDICIARY COMMITTEE  
 LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: AB 627: Makes various changes in provisions regarding juveniles and juvenile courts.

MOTION:

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

MOVED BY: Mrs. Cafferata SECONDED BY: Mr. Sader

AMENDMENT:

Page 1, line 9: Include "congenital drug addiction or fetal alcohol syndrome."

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>absent</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>0</u>	—	—	—	—

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

ATTACHED TO MINUTES OF May 23, 1981

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

DATE: May 23, 1981

SUBJECT: AB 626: Requires filing of case plan with court before child is permanently placed outside his home.

**MOTION:**

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

MOVED BY: Mr. Sader      SECONDED BY: Miss Foley

**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>absent</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>2</u>	—	—	—	—

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

ATTACHED TO MINUTES OF May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: SB 83: Increases punishment for driving under influence of intoxicants.

MOTION:

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

MOVED BY: Mrs. Cafferata SECONDED BY: Mr. Beyer

AMENDMENT:

Change one day to 24 hours throughout the bill.  
Change permanent revocation to three years.

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>absent</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>6</u>	<u>4</u>	_____	_____	_____	_____

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

ATTACHED TO MINUTES OF May 23, 1981

61st NEVADA LEGISLATURE  
 ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: AB 624: Repeals requirement to corroborate testimony  
 of accomplice in criminal trial.

MOTION:

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

MOVED BY: Mrs. Cafferata      SECONDED BY: Mrs. Ham

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>absent</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>0</u>	—	—	—	—

ORIGINAL MOTION:      Passed XX      Defeated \_\_\_\_\_      Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_      AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_      AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: SB 449: Permits diversion of telephone lines in situations involving hostages and recording of conversations with permission of one party.

MOTION:

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

MOVED BY: Mr. Sader SECONDED BY: Mr. Malone

AMENDMENT:

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

AMENDMENT:

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

VOTE:	MOTION		AMEND		AMEND	
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Thompson	<u>X</u>	—	—	—	—	—
Foley	<u>X</u>	—	—	—	—	—
Beyer	<u>X</u>	—	—	—	—	—
Price	<u>absent</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>2</u>	—	—	—	—

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

ATTACHED TO MINUTES OF May 23, 1981





61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981  
SUBJECT: SB 432: Increases number and allowances of costs for expert witnesses.

MOTION: DO PASS XX AMEND      INDEFINITELY POSTPONE       
RECONSIDER       
MOVED BY: Mr. Banner SECONDED BY: Mr. Thompson

AMENDMENT:

MOVED BY:                      SECONDED BY:                     

AMENDMENT:

MOVED BY:                      SECONDED BY:                     

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	<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>absent</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	<u>X</u>	<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>    </u>	<u>X</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>1</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 May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: SB 310: Revises procedures for release without bail.

MOTION:

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

MOVED BY: Mr. Sader SECONDED BY: Miss Foley

AMENDMENT:

Page 2: Delete lines 29 through 31.

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>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>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 May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: AB 423: Provides stricter definitions of group insurance policies for certain purposes.

MOTION:

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

MOVED BY: Mr. Malone SECONDED BY: Miss Foley

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>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>8</u>	<u>0</u>	_____	_____	_____	_____

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

ATTACHED TO MINUTES OF May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: SB 416: Specifically allows employment of prisoners on public works projects.

MOTION:

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

MOVED BY: Mr. Malone 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>absent</u>	___	___	___	___	___
Sader	<u>X</u>	___	___	___	___	___
Stewart	<u>X</u>	___	___	___	___	___
Chaney	<u>absent</u>	___	___	___	___	___
Malone	<u>X</u>	___	___	___	___	___
Caifferata	<u>X</u>	___	___	___	___	___
Ham	<u>X</u>	___	___	___	___	___
Banner	<u>absent</u>	___	___	___	___	___
TALLY:	<u>8</u>	<u>0</u>	___	___	___	___

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: SB 482: Authorizes attorney general to investigate and prosecute crimes of state officials.

MOTION:

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

MOVED BY: Mrs. Cafferata SECONDED BY: Miss Foley

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>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>X</u>	_____	_____	_____	_____
TALLY:	<u>7</u>	<u>2</u>	_____	_____	_____	_____

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: AB 596: Revises requirements for consent and notice  
in cases of abortion..

MOTION:

DO PASS XX AMEND XX INDEFINITELY POSTPONE       
RECONSIDER     

MOVED BY: Mrs. Cafferata SECONDED BY: Miss Foley

AMENDMENT:

As outlined by Mr. Stewart on page 14 of the  
minutes of this day.

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	absent	—	—	—	—	—
Sader	—	X	—	—	—	—
Stewart	X	—	—	—	—	—
Chaney	X	—	—	—	—	—
Malone	X	—	—	—	—	—
Cafferata	X	—	—	—	—	—
Ham	X	—	—	—	—	—
Banner	X	—	—	—	—	—
TALLY:	9	1	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated      Withdrawn     

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981

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

DATE: May 23, 1981

SUBJECT: SB 413: Makes various changes in provisions regarding supervision of certain gaming establishments.

**MOTION:**

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

MOVED BY: Mr. Beyer SECONDED BY: Mrs. Ham

**AMENDMENT:**

Delete subsection 5.

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	absent	—	—	—	—	—
Sader	X	—	—	—	—	—
Stewart	X	—	—	—	—	—
Chaney	X	—	—	—	—	—
Malone	X	—	—	—	—	—
Cafferata	X	—	—	—	—	—
Ham	X	—	—	—	—	—
Banner	X	—	—	—	—	—
TALLY:	10	0	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981

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

DATE: May 23, 1981

SUBJECT: SB 359: Revises certain requirements for takeover bids affecting corporations.

**MOTION:**

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

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	X	—	—	—	—	—
Foley	X	—	—	—	—	—
Beyer	X	—	—	—	—	—
Price	absent	—	—	—	—	—
Sader	X	—	—	—	—	—
Stewart	X	—	—	—	—	—
Chaney	X	—	—	—	—	—
Malone	X	—	—	—	—	—
Cafferata	X	—	—	—	—	—
Ham	X	—	—	—	—	—
Banner	X	—	—	—	—	—
TALLY:	10	0	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981



61st NEVADA LEGISLATURE  
 ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: SB 527: Makes various changes to the laws regulating gaming.

MOTION:

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

MOVED BY: Mrs. Cafferata SECONDED BY: Mr. Sader

AMENDMENT:

Page 6, line 22: Add "or document" after communication.  
 Page 6, line 22: Change "made" to "transmitted"  
 Page 36, Line 48: Change "the" to "any" and change "personnel" to "agent"

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

AMENDMENT:

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

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	X	—	—	—	—	—
Foley	X	—	—	—	—	—
Beyer	absent	—	—	—	—	—
Price	absent	—	—	—	—	—
Sader	X	—	—	—	—	—
Stewart	X	—	—	—	—	—
Chaney	X	—	—	—	—	—
Malone	X	—	—	—	—	—
Cafferata	X	—	—	—	—	—
Ham	X	—	—	—	—	—
Banner	X	—	—	—	—	—
TALLY:	9	0	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981

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

DATE: May 23, 1981

SUBJECT: SB 476:. Clarifies meaning of "interest" in relation to disclaiming interest in property.

MOTION:

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

MOVED BY: Mrs. Cafferata SECONDED BY: Mr. Malone

AMENDMENT:

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

AMENDMENT:

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

VOTE:	MOTION		AMEND		AMEND	
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Thompson	X	—	—	—	—	—
Foley	X	—	—	—	—	—
Beyer	X	—	—	—	—	—
Price	absent	—	—	—	—	—
Sader	X	—	—	—	—	—
Stewart	X	—	—	—	—	—
Chaney	X	—	—	—	—	—
Malone	X	—	—	—	—	—
Cafferata	X	—	—	—	—	—
Ham	X	—	—	—	—	—
Banner	X	—	—	—	—	—
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 May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: SB 452:: Provides and increases penalties for fraudulently obtaining certain public assistance.

NOTION:

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

MOVED BY: Mrs. 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	X	---	---	---	---	---
Foley	X	---	---	---	---	---
Beyer	X	---	---	---	---	---
Price	absent		---	---	---	---
Sader	X	---	---	---	---	---
Stewart	X	---	---	---	---	---
Chaney	X	---	---	---	---	---
Malone	X	---	---	---	---	---
Cafferata	X	---	---	---	---	---
Ham	X	---	---	---	---	---
Banner	X	---	---	---	---	---
TALLY:	10	0	---	---	---	---

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF May 23, 1981

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

DATE: May 23, 1981

SUBJECT: SB 450:: Eliminates requirement for corroboration of victim's testimony in cases involving abortion or prostitution if witness is a peace officer.

**MOTION:**

DO PASS XX AMEND     INDEFINITELY POSTPONE      
RECONSIDER    

MOVED BY: Mrs. Cafferata SECONDED BY: Mr. Stewart

**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>absent</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>2</u>	_____	_____	_____	_____

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

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

DATE: May 23, 1981

SUBJECT: SB 438: Amends provisions relating to corporations.

**MOTION:**

DO PASS XX AMEND XX INDEFINITELY POSTPONE       
RECONSIDER     

MOVED BY: Mrs. Cafferata SECONDED BY: Mr. Sader

**AMENDMENT:**

Amendment No. 916

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

**AMENDMENT:**

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

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	<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>absent</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	<u>X</u>	<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>10</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 May 23, 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: May 23, 1981

SUBJECT: SB 576: Provides penalty for fraud committed by physicians providing care for medically indigent.

MOTION:

DO PASS XX AMEND      INDEFINITELY POSTPONE       
RECONSIDER     

MOVED BY: Mrs. Cafferata      SECONDED BY: Miss Foley

AMENDMENT:

MOVED BY:                                       SECONDED BY:                                 

AMENDMENT:

MOVED BY:                                       SECONDED BY:                                 

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	<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>absent</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	<u>X</u>	<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>10</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 May 23, 1981



ASSEMBLY JUDICIAL COMMITTEE

GUEST LIST

DATE: Saturday, 23 May 1981

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK		
		FOR	AGAINST	BILL NO.
Bruce Laxson	W.C.D.A.	✓		624, 404, 659
John CONNERY	New Trial Lawyers		✓	624
Don Namura	WC DA	✓		624, 404, 659
Steve Strumme	WLS			
Steve Strumme	Strumme Auctions		✓	611
Bernard Qualita	Yeps Furniture		✓	611
Neil B. Solomon	Juvenile c.r.			
Irish B. Lee, Jr.	Nevada Indian Real Estate			
Larry Ketchumberger	LVMPD	✓		611
Henry Shupe	Atty Genl.			AB 694
Styice Wilson	Nev Assn Counties			
Bob SHRIVER	NTLA		✓	AB 624
Barbara Werner	AD			



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

EXHIBIT A

MEMORANDUM

TO: Assemblyman Jan Stewart  
Chairman, Assembly Judiciary Committee

DATE: May 22, 1981

FROM: Ernest E. Adler  
Deputy Attorney General  
Criminal Division

SUBJECT: A.B. 694

---

2. Same as is but add to last sentence: "except as provided in subparagraph 3 of this section."

3. Any organization which conducts a legal aid program and receives money pursuant to NRS 19.031 shall not be entitled to receive any money pursuant to this section in excess of any sums collected as attorney's fees or costs awarded by any court against the State or any political subdivision of this State and any State officer or employee thereof. Upon receipt of notice from the State, or any political subdivision thereof, that an award of attorney's fees or costs has been paid to an organization operating a legal aid or legal services program within the meaning of this section, the county treasurer shall deduct from the amount to be paid <sup>to the State or political subdivision</sup> an amount equal to the sums <sup>received</sup> paid as attorney's fees or costs. The amount deducted shall be remitted to the State or political subdivision which paid said fees or costs by the county treasurer on a quarterly basis.

EEA:jb

Assembly Judiciary Committee  
Saturday, 23 May 1981

2283

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to	Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	BILL No. 83	<del>Joint</del> Resolution No.
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	BDR 43-431	
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Proposed by	Committee on Judiciary and Transportation
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>		
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 1078

Replaces Amendments Nos. 908, 974 and 1066.  
Resolves conflict with Senate Bills Nos. 13 and 159.

Amend section 1, page 1, line 3, by deleting "forthwith" and deleting "a period of".

Amend section 1, page 1, line 4, by deleting "(such driver's) his" and inserting "his".

Amend section 1, page 1, line 5, by deleting "[such] the" and inserting "that".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 6 through 8 and adding new sections to be designated section 2 through 5, following section 1, to read as follows:

"Sec. 2. Chapter 463 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The department may not restore a driver's license, permit or privilege of driving a motor vehicle in this state which has been revoked or suspended unless the person who is seeking the license, permit or privilege submits evidence that he is maintaining insurance or is financially responsible for the operation of any motor vehicle of which he is the owner or which is owned by a member of his household and which he may be expected to operate.

Sec. 3. NRS 463.490 is hereby amended to read as follows:

463.490 1. Unless otherwise provided by law, the department may not suspend a license for a period of more than 1 year.

To: E & E  
LCB File  
Journal  
Legislation  
EJH

Assembly Judiciary Committee  
Saturday, 23 May 1981

Drafted by... DS:ML Date... 5-18-81

2. ~~[The] Unless issuance of a license is prohibited by NRS 484.395, the~~ department may, after the expiration of 1 year from the date of revocation of a license and when the period of revocation exceeds 1 year, issue a driver's license to an applicant permitting the applicant to drive a motor vehicle for purposes of his employment only, if the department is satisfied that a severe hardship exists.

3. The periods of suspension and revocations under this chapter and under NRS 484.385 shall run consecutively, except as provided in NRS 483.470, when the suspension shall run concurrently.

Sec. 4. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in NRS 485.330, this section, any person who drives a motor vehicle on a highway of this state at a time when his driver's license has been canceled, revoked or suspended shall be is guilty of a misdemeanor. If the license was suspended or revoked because of a violation of NRS 484.379, 484.3795 or 484.385, he shall be punished by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$500. *Other jurisdiction as long as p. 5*

2. No person who is convicted of a violation of this section and whose license had been suspended or revoked because of a violation of NRS 484.379, 484.3795 or 484.385 may be granted probation and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty or of sole contumacy to a lesser charge or for any other reason unless, in his judgment the charge is not supported by probable cause or cannot be proved at trial.

3. Any term of confinement imposed under the provisions of subsection 1 may be served intermittently at the discretion of the judge or justice of the peace. This discretion shall be exercised after considering all the circumstances surrounding the offense, and the family and employment (situation) of the person convicted. However, the full term of confinement (shall) must be served within (a 6-month period from) 6 months after the date of conviction, and any segment of time the person is confined (shall) must not consist of less than (a 24-hour period.) 24 hours.

[3.] 4. Jail sentences simultaneously imposed under this section and NRS 484.379 [shall] must run consecutively.

[4.] 5. The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while [the license of such person] his license was suspended shall extend the period of [such] suspension for an additional like period . ( ; and [if] if the conviction was upon a charge of driving while a license was revoked the department shall extend the period of revocation for an additional period of 1 year [from and] after the date [such] on which the person would otherwise have been entitled to apply for a new license. Suspensions and revocations under this section [shall] must run consecutively.

Sec. 3. Chapter 484 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Each court which enters a judgment of conviction for a violation of NRS 484.379 or 484.3795 shall, immediately after the expiration of the time during which an appeal may be taken if no appeal is taken, or after the judgment is affirmed on appeal, order that there be published within 2 weeks after the date of the order in a newspaper of general circulation published in the county, or if there is no newspaper published in the county, a newspaper which has a general circulation in the county, at the expense of the violator, a notice of the conviction containing:

1. A picture of the violator;
2. The name of the violator;
3. The number of convictions for driving under the influence of alcohol or another substance in violation of NRS 484.379, 484.3795 or a law which forbids similar conduct in another jurisdiction within 5 years before the present conviction;
4. The name of the judge who sentenced the violator; and
5. The sentence imposed."

Amend sec. 2, page 1, by deleting line 17 and inserting:

ing or [steering] exercising actual physical control of a vehicle to drive or [steer] be in actual physical control of a vehicle within this state. The"

Amend sec. 2, page 2, line 33, by deleting "for the first offense." and inserting "and who has not been convicted of a violation of one of these subsections within 5 years before the violation took place"

Amend sec. 2, page 2, line 34, by deleting "5." and inserting "6."

Amend sec. 2, page 2, by deleting lines 35 through 38 and inserting:

"shall sentence him to not less than 40 nor more than 120 hours of work or community service or to imprisonment in the county jail for not less than 5 days nor more than 6 months and in either case shall also:

(a) Sentence him to pay a fine of not less than \$100 nor more than \$500;

(b) Order him to pay tuition for and attend courses on the use and abuse of alcohol and controlled substances approved by the department; and"

Amend sec. 2, page 2, line 39, by deleting "(a)" and inserting "(c)".

Amend sec. 2, page 2, line 43, by deleting "living; or" and inserting "living."

Amend sec. 2, page 2, by deleting lines 44 through 48.

Amend sec. 2, page 3, by deleting lines 1 through 4 and inserting:

"4. Any person who violates the provisions of subsection 1 or 2 within 5 years after having once been convicted in any jurisdiction of a violation of subsection 1 or 2, NRS 464.1791 or a law which prohibits

the same conduct is guilty of a misdemeanor. Except as provided in subsection 6, the court shall sentence him to imprisonment for not less than 15 days nor more.

Amend sec. 2, page 3, -line 5, by deleting "not less than \$1,000" and inserting "\$500".

Amend sec. 2, page 3, line 6, by deleting "license for" and inserting "driver's license for a period specified in the order which must be".

Amend sec. 2, page 3, line 7, by deleting "privileges; or" and inserting "privileges."

Amend sec. 2, page 3, by deleting lines 8 through 13 and inserting:  
"5. Except as provided in subsection 6, any person who violates the provisions of subsection 1 or 2 within 5 years after having been convicted more than once in any jurisdiction of a violation of subsection 1 or 2, NRS 484.1795 or a law which prohibits the same conduct, shall be punished as:

Amend sec. 2, page 3, by inserting between lines 39 and 40:

"6. A person who has been convicted of a violation of subsection 1 or 2 may elect to undergo treatment approved by the court for at least 1 year if:

(a) He is classified as an alcoholic or abuser of drugs by a:

(1) Counselor certified to make that classification by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources; or

(2) Physician certified to make that classification by the state board of medical examiners;

(b) He agrees to pay the costs of the treatment;

(c) He has served a term of imprisonment in the county jail of:

(1) <sup>ONE</sup> [7/30] days if it is his first conviction;

(2) Five days if it is his second conviction; or

(3) Thirty days if it is his third conviction,

and of a violation of subsection 1 or 2; and

(d) The court orders the department to suspend his driver's license for a period specified in the order which must be not less than 90 days and not more than the time required to complete the treatment.

*w/ 5 yrs and other jurisdiction*

The court may not allow him any limited driving privileges unless his inability to drive to and from work or in the course of his work would cause extreme hardship or prevent his earning a living.

Which A person may elect treatment pursuant to this subsection once in any period of 5 years.

7. If a person who has elected and qualified for treatment pursuant to subsection 6:

(a) Fails to complete the treatment satisfactorily, he must be sentenced to the fine and imprisonment to which he would have been sentenced had he not elected treatment. The sentence to imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(b) Completes the treatment satisfactorily, he may not be sentenced further, but the conviction remains on his record of criminal history.

Amend sec. 2, page 3, line 40, by deleting "7." and inserting "2."

Amend sec. 2, page 3, line 42 by deleting "suspended." and inserting: "suspended, nor may any program of education, counseling or treatment be ordered or permitted before conviction."

Amend sec. 2, page 3, line 43, by deleting "8." and inserting "9."

Amend sec. 2, page 4, line 5, by deleting "conviction, and any" and inserting "conviction [, and any] or within 6 months after the date of sentencing if the person elected to undergo treatment pursuant to subsection 6. And".

Amend sec. 2, page 4, line 7, by deleting "9." and inserting "10."

Amend sec. 3, page 4, by deleting lines 31 through 37 and inserting: "section 1 may not be suspended nor may probation be granted."

Amend sec. 4, page 4, line 49, by deleting "If" and inserting:

"(10) Except as provided in subsection 3, if"

Amend sec. 4, page 5, by inserting between lines 9 and 10:

"11. If the person who refused the required chemical test has previously had his license suspended or revoked for refusal to even take such a test, the department shall immediately revoke his license, instruction permit or privilege to drive in this state, and not restore it or grant any permit, license or privilege at any time."

Amend sec. 4, page 5, line 10, by deleting "2." and inserting:

"(2.) 13:"

Amend sec. 4, page 5, line 12, after "suspending" by inserting  
"or revoking".

Amend sec. 4, page 5, line 15, by deleting "3. The suspension" and  
inserting "(3.) 4. The suspension or revocation".

Amend sec. 4, page 5, by deleting line 18 and inserting:

"(4.) 5. Notice of intention to suspend (.) or revoke, notice of an  
order of suspension or revocation."

Amend sec. 4, page 5, line 19, after "suspension" by inserting  
"or revocation".

Amend the bill as a whole by deleting section 8  
and by adding new sections to be designated as sections 9 through 13,  
following section 4, to read as follows:

"Sec. 9. NRS 3.050 is hereby amended to read as follows:

3.050

1. Municipal courts which are already established or which may  
hereafter be established in any incorporated city of this state shall  
have jurisdiction:

(a) Of an action or proceeding for the violation of any ordinance of  
their respective cities.

(b) Of an action or proceeding to prevent or abate a nuisance within  
the limits of their respective cities.

(c) Of proceedings respecting vagrants and disorderly persons.

2. The municipal court agency established, or which may hereafter  
be established, shall also have jurisdiction of the following public  
offenses committed in their respective cities:

(a) Petit larceny.

(b) Assault and battery, not charged to have been committed upon a  
public officer in the execution of his duties, or with intent to kill.

(c) Breaches of peace, riots, affrays, committing a willful injury to  
property, and all misdemeanors (punishable by fine not exceeding \$500,  
or imprisonment not exceeding 6 months, or by both such fine and  
imprisonment.)

Sec. 10. NRS 42.010 is hereby amended to read as follows:

42.010 In an action for the breach of an obligation not arising from  
contract, where the defendant: (has)

1. Has been guilty of oppression, fraud or malice, express or  
implied (.) ; or

2. Caused an injury by the operation of a motor vehicle in violation  
of NRS 484.379 or 484.3795 after willfully consuming or using alcohol



or another substance, knowing that he would thereafter operate the motor vehicle.

*And* the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant.

Sec. 11. Chapter 268 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The governing body of each city may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 494.379 for similar offenses under city ordinance.

Sec. 12. Section 1 of Senate Bill No. 13 of the first session of the Nevada Legislature is hereby amended to read as follows:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. Except where the imposition of a specific criminal penalty is mandatory, a court may offer to a convicted person the option of performing supervised work for the benefit of the community:

(a) In lieu of all or a part of any fine or imprisonment which may be imposed for the commission of a misdemeanor; or

(b) As a condition of any probation granted for another offense.

2. The work must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its citizens.

3. [The] Unless the conviction is for a violation of NRS 494.379, the court shall not impose such work as a punishment or a condition of probation unless the convicted person agrees to perform it.

4. If the convicted person agrees to perform such work, the court may require him to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods

in which he performs the work, unless, in the case of industrial insurance, it is provided by the authority for which he performs the work.

5. The following conditions apply to any such work imposed by the court:

(a) The court must fix the period of work that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue at his employment and to care for his family. The period of work fixed by the court must not exceed, for a:

- (1) Misdemeanor, 100 hours;
- (2) Gross misdemeanor, 140 hours; or
- (3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for work before the court may require him to perform work for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Work that a court requires under this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to it or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

Sec. 13. Sections 1 and 12 of this act shall become effective at 12:01 a.m. on July 1, 1981."

Amend the title of the bill, 4th line after "punishment;" by inserting:

"imposing an additional requirement of insurance;"

2293

CURRENT AND PROPOSED PENALTIES FOR DUI CONVICTIONS

Type of Offense	Current Penalties	Proposed Penalties
I. First DUI Conviction	<p>I.A. Misdemeanor (NRS 484.379) punishable by a fine not exceeding \$500, or imprisonment not exceeding 6 months, or both. (NRS 4.370 and 9.250)</p> <p>B. Discretionary (with court) license suspension of 30 days to 1 year with possibility of receiving a restricted license. (NRS 484.379 and 483.250)</p> <p>*Alcoholic or drug addict may elect treatment under NRS 458.290-458.350 before conviction.</p>	<p>I.A. Misdemeanor punishable by either 40 hours of work or community service, or imprisonment in the county jail for 15 days to 6 months; and</p> <ol style="list-style-type: none"> <li>1. A fine of \$100 to \$500,</li> <li>2. Participation at violator's expense in educational courses, and</li> <li>3. Suspension of driver's license for 90 days to 1 year with restricted license possible only in cases of extreme hardship related to work.</li> </ol> <p>1 day</p> <p>2 *</p> <p>3. Publication of picture and information in newspaper.</p> <p>C. Probation, suspension of sentence, orders to take treatment prior to conviction, and plea bargaining are not allowed.</p> <p>*Alcoholic or drug abuser may elect treatment under provisions of this bill after conviction.</p>
II. Second DUI Conviction	<p>I.A. Confinement in jail for 10 days to 6 months, or a fine of not more than \$500, or both. (For conviction within 3 years of previous conviction) (NRS 484.379)</p> <p>B. Mandatory license revocation for 1 year without possibility of receiving a restricted license. (For conviction after 3 years but within 7 years of previous conviction) (NRS 483.460 and 483.490)</p> <p>C. Mandatory license revocation for 2 years with possibility of receiving a restricted license after 1 year. (For conviction within 3 years of previous conviction) (NRS 483.460 and 483.490)</p> <p>*Alcoholic or drug addict may elect treatment under NRS 458.290-458.350 before conviction.</p>	<p>I.A. Misdemeanor punishable by:</p> <ol style="list-style-type: none"> <li>1. Imprisonment in county jail for 15 days to 6 months,</li> <li>2. Fine of \$500, and</li> <li>3. Suspension of license for not less than 5 months without any limited driving privileges. (For conviction within 3 years of previous conviction)</li> </ol> <p>3 *</p> <p>3. Publication of picture and information in newspaper.</p> <p>C. Probation, suspension of sentence, orders to treatment prior to conviction, and plea bargaining are not allowed.</p> <p>*Alcoholic or drug abuser may elect treatment under provisions of this bill after conviction.</p>
III. Third or Subsequent DUI Conviction	<p>III.A. Confinement in jail for 10 days to 6 months, or a fine of not more than \$500, or both. (For conviction within 3 years of previous conviction) (NRS 484.379)</p> <p>B. Mandatory license revocation for 1 year without possibility of receiving a restricted license. (For conviction after 3 years but within 7 years of previous conviction) (NRS 483.460 and 483.490)</p> <p>C. Mandatory license revocation for 2 years with possibility of receiving a restricted license after 1 year. (For conviction within 3 years of previous conviction) (NRS 483.460 and 483.490)</p> <p>*Alcoholic or drug addict may elect treatment under NRS 458.290-458.350 before conviction.</p>	<p>III.A. Felony punishable by:</p> <ol style="list-style-type: none"> <li>1. Imprisonment in state prison for 1 to 6 years, and</li> <li>2. Fine of \$2,000 to \$5,000. (For conviction within 3 years of previous two convictions)</li> </ol> <p>3. Mandatory revocation of license for 1 year without possibility of receiving a restricted license. (NRS 483.460 [2])</p> <p>3 *</p> <p>3. Publication of picture and information in newspaper.</p> <p>C. Probation, suspension of sentence, orders to treatment prior to conviction, and plea bargaining are not allowed.</p> <p>*Alcoholic or drug abuser may elect treatment under provisions of this bill after conviction.</p>

Assembly Judiciary Committee  
Saturday, 23 May 1981

CURRENT AND PROPOSED PENALTIES FOR DUI CONVICTIONS

Type of Offense

Current Penalties

Proposed Penalties

IV. Election of Treatment Rather than Punishment

- IV.A. Alcoholic or drug addict may elect treatment under NRS 458.290-458.330 before conviction.
- B. He may participate in the program only twice within a 2-year period.
- C. Upon satisfactory completion of treatment, charges are dropped.
- D. Upon non-completion or unsatisfactory progress in treatment, prosecution may be resumed.

- IV.A. Alcoholic or drug abuser may elect treatment under provisions of this bill after conviction. The treatment must be for at least 1 year.
- B. He may participate in the program only once within a 5-year period.
- C. He must pay for the treatment.

\* [D. His picture and information about the conviction are published in the newspaper.]

(3) \* 24 hrs.

- E. Before entering treatment, he must be imprisoned in the county jail for:
1. 48 hours on a first conviction within 5 years,
  2. 5 days on a second conviction within 5 years, or
  3. 30 days on a third conviction within 5 years.
- F. Mandatory suspension of license for 90 days to the time necessary for completion of treatment, with restricted license possible only in cases of extreme hardship related to work.

G. Upon satisfactory completion of treatment, the conviction stands against his record but no other sentence is imposed.

H. Upon non-completion or unsatisfactory progress in treatment, sentence is mandatory as provided for the offense.

V. Causing Death or Substantial Bodily Harm

- V.A. Imprisonment in state prison for 1 to 6 years, or a fine of not more than \$5,000, or both. (NRS 484.3795)
- B. Mandatory revocation of license for 1 year without possibility of receiving a restricted license (for a first conviction of DUI - NRS 483.460b and for a second conviction of DUI after 3 years but within 7 years of previous conviction - NRS 483.460f); or mandatory revocation of license for 2 years with possibility of receiving a restricted license after 1 year. (For a second conviction of DUI within 3 years of a previous conviction - NRS 483.460 and 483.460)

V.A. Imprisonment in state prison for 1 to 6 years, and fine of \$2,000 to \$5,000.

B. Mandatory revocation of license for 1 year without possibility of receiving a restricted license. (NRS 483.460 [2])

\* [C. Publication of picture and information in newspaper.]

D. Pardon, suspension of sentence and plea bargaining are not allowed.

\*Alcoholic or drug addict may elect treatment under NRS 458.290 - 458.330 before conviction.

CURRENT AND PROPOSED PENALTIES FOR DUI CONVICTIONS

<u>Type of Offense</u>	<u>Current Penalties</u>	<u>Proposed Penalties</u>
VI. Refusal to Submit to Chemical Test	VI.A. Suspension of license for 6 months (NRS 484.385) with possibility of receiving a restricted license. (NRS 483.250)  B. Possibility of conviction and punishment for appropriate offense.	VI.A. Suspension of license for 6 months without possibility of receiving a restricted license. (For first refusal to submit to chemical test)  B. Revocation of license permanently without possibility of receiving a restricted license. (For second or subsequent refusal to submit to chemical test)  C. Possibility of conviction and punishment for appropriate offense.
VII. Driving when license is Canceled, Revoked or Suspended for Violation of DUI Laws	VII.A. Misdemeanor punishable by a fine not exceeding \$500, or imprisonment not exceeding 6 months, or both. (NRS 4.370 and 5.050)	VII.A. Misdemeanor punishable by imprisonment in county jail for not less than 30 days nor more than 6 months, and a fine of not less than \$200.  B. Probation, suspension of sentence, and plea bargaining are not allowed.

PH/11p/Charts/DUI.1..2..3  
rev 9, 1981