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

MEMBERS ABSENT: None

GUESTS PRESENT: Patty Becker, Deputy Attorney General - Gaming
Mike Katz, Youth Services Division
Suzanne Arzaian
Randa Steele
Dennis Linscott, Bail - A-1 L.V.M.V.
Jay McIntosh
Pete Kelley, UPI
Ned B. Solomon, Clark County Juvenile Court
Sharon Alcamo, Department of Motor Vehicles
Miles Terzich, NV Shorthand Reporters Association
Bob Sullivan, Carson River Basin Council of Governments
Frank Carmen, Youth Services Division
David Nicholas, Assembly District 23

Chairman Stewart called the meeting to order at 8:05 a.m. He noted that the Committee would hear testimony on AB 533 first.

AB 533: Clarifies circumstances under which bail may be denied on charge of first degree murder.

Mr. Frank Daykin, of the Legislative Counsel Bureau, testified first on this bill. He explained that AB 533 is an attempt to follow the U.S. Supreme Court rulings concerning what offenses may be punished by death. He said that when NRS 178.484 was last previously amended, it specified that a person arrested for murder of the first degree may be admitted to bail unless the presumption is great, or the proof is evident. This agreed with the old law and the Nevada State Constitution, which stated bail might be denied for any capital offense. The Constitution, and afterwards this statute, was amended to refer to murder. When capital murder, and then murder with aggravating circumstances were instituted, this statute did not follow along. Therefore, the Supreme Court, in an opinion last year, ruled that the charge of first degree murder would not alone suffice to warrant the denial of bail, because the death penalty could be imposed

only if there were aggravating circumstance.

AB 533 simply tracks the language of the Supreme Court opinion (Advance opinion 154, July 21, 1980); i.e., the proof is evident or the presumption great that an aggravating circumstance exists. The law then goes on to say that this decision must be made by the court which admits the defendant to bail.

Mr. Stewart raised the question of whether it should also be included in this bill, as it was in the original law, that proof must be evident and/or the presumption great that the person committed the crime. Mr. Daykin agreed this element was needed, and that it was probably not safely inferable in the current version of the bill. He suggested wording to the effect: "...that he committed the offense and an aggravating..." and said he would send to the Committee an amendment to that effect.

Next to testify on this bill was Mr. Jay McIntosh, who wished to point out to the Committee that section 3 of this bill provides for the release of alleged misdemeanants without bail, which is the equivalent of slapping their wrists and letting them go. He stated he could not understand how, for example, the Legislature could pass a bill providing support for shelters for battered wives, while at the same time passing a bill permitting the husbands who have battered these women to be released without bail. He felt crimes of violence should be excluded from this provision.

Mr. McIntosh went on to note that it was his understanding the provision regarding release without bail was to help those who could not afford to pay for bail: indigents, etc. He added, however, that those who are not able to prove they have a steady job, or family in the area, etc. are seldom released on their own recognizance, oftentimes simply because they are all alone and have no one to vouch for them. He felt these are the ones who should benefit from AB 533, and not those accused of crimes of violence.

AB 514: Forbids any gaming regulation which excludes most elected public officers from holding gaming licenses.

Ms. Patty Becker, Deputy Attorney General for Gaming, testified on this bill. She noted she was appearing on behalf of Commission Chairman Dodge, to register the Commission's opposition to this legislation.

Ms. Becker explained that at present the Gaming Control Board (GCB) does have a "Regulation 11" which prohibits certain types of elected officials from seeking gaming licenses. She then submitted a proposed amendment to that regulation (EXHIBIT A), which should resolve any of the problems which have occurred over the last few months concerning this issue.

Ms. Becker explained that the proposed amendment would prohibit only elected officials who have the power to enforce gaming regulations and statutes, and members of the judiciary from obtaining a gaming license; and even on these individuals the Commission would be allowed to grant a waver so that they could apply for a gaming license.

Mr. Stewart then noted that previously county or municipal elected officials, by GCB regulations, were not entitled to gaming licenses. Ms. Becker replied that this was correct, they would have to apply for a waver before they could apply for a license. It was further noted that under the proposed changes in the regulations, these people would automatically be eligible to apply for a gaming license.

Regarding section 2 of EXHIBIT A, Ms. Becker explained to Mr. Stewart that anyone who falls within the categories listed in this section could apply for a waver.

In reply to Mrs. Cafferata it was noted that this regulation has never applied to Legislators. It has been applied in the past, specifically, to members of the judiciary. This was actually a deterrent more than anything else, since they did not actually apply for a waver. It was also applied to a District Attorney, who applied for and was granted a waver.

The basis for the original regulation, which has been in existence since the existence of the Gaming Control Act in 1955, was to prevent a possible conflict of interest for those who must enforce the gaming laws. The Commission, in asking for this amendment, feels that the decision regarding whether something was a conflict of interest or not should be made by the electorate, and not by the Commission.

Ms. Becker then explained the regulation is necessary for those instances where a potential for conflict of interest exists. She then cited the case of a judge who was sitting on the constitutionality of a gaming statute and who submitted an application to be licensed at the same time. She said that when informed of the regulation, the judge willingly withdrew his application. Without the regulation, the Commission and the judge could have been placed in an extremely awkward situation.

Ms. Becker told Mr. Beyer that the Commission could grant a waver if they find that having a person be licensed would not be basically against the public policy of the State of Nevada for the control of gaming.

Ms. Becker then told the Committee that the proposed change to Regulation 11 will be on the June agenda of the Commission, at which time they are expected to vote upon whether or not to pass it.

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Mr. Sader said he wished to clarify one aspect of this situation for the record: He called Mr. Dick Scott when this bill came up and asked him if he was interested in it; he said he was interested in it, but he did not ask that the bill be drafted. In fact, he did not even know the issue had come up until Mr. Sader informed him of it. Mr. Sader made this clarification after the case involving Mr. Scott's election and receipt of a waiver for a gaming license was mentioned as an example of how and when the Commission would grant a waiver. Other cases were also cited.

AB 534: Revises procedure for certain injunctions and repeals certain sections or crimes relating to exhibition and sale of obscene materials to minors.

Mr. Stewart noted that last session the Legislature passed several bills which revised the obscenity statutes. After the session it was noted that although the general test of obscenity had been changed, the section of the law dealing with juveniles had been overlooked. Thus, AB 534, section 3, page 2, lines 21-23 corrects that deficiency.

In addition it was noted that, following the passage of the new law, the U.S. Supreme Court came down with a case having to do with injunctions against obscene materials. That Supreme Court case said you can't have preliminary injunctions or temporary restraining orders; if you are going to enjoin obscene material, you must have a trial on the merits before there is any injunction, and it must be as quickly as possible. Page 2, lines 10-13 conforms the statute to this Supreme Court ruling.

The rest of the changes are revisor's work.

Regarding section 5 of the bill, Ms. Ham asked why NRS 201.258 was repealed. Mr. Stewart noted that this statute defines the term "knowingly", but he was not certain why the bill drafter felt this section was no longer necessary. The Committee decided to ask the bill drafter to come in and explain this section.

Mr. Sader then noted that the requirement for a speedy trial resulted in giving the defendant very little time to prepare his case; he wondered if there was any provision for delaying the trial if both parties agree to this. Mr. Stewart felt that even with the language in the bill, if both parties agreed, it would be possible to waive this requirement.

AB 540: Requires boards of county commissioners to establish fees for court reporters.

Mrs. Patty Cafferata, Assemblyman for District 25, testified that this bill allows the boards of county commissioners to establish court reporter fees. She noted that she had done some research on salaries and compensation that is set by boards of county commissioners, which includes everything from

bailiffs, justices of the peace, clerks of justice courts, jailers, county managers, registrars of voters, all appointed officers and employees, county controllers, public guardians, county engineers, county surveyors, county statisticians, constables, constables clerks, county public defenders, policemen, fire chiefs, personnel of the fire department, road surveyors, road inspectors, county health officers, deputy county health officers, persons drafted to fight fires, quarantine officers, and quarantine inspectors. They also set lots of other fees.

Mrs. Cafferata noted that this bill takes the responsibility of setting these fees from the Legislature and gives it to the counties, who are under caps, and who should be allowed to set their own fees.

In reply to Ms. Foley, it was noted that not all of those people listed above are county employees.

Mr. Sader noted that this bill only applies to court reporters, and that there is no minimum fee set. Mrs. Cafferata said this was correct. She also pointed out that the bill does not become effective until July 1, 1982; thus, the current raises which the Legislature is in the process of granting these people will not be affected until that time.

Mr. Sader said that all this bill seems to do is change the bargaining table from the State Legislature to the county commission. Ms. Foley disagreed with this statement, saying she did not see any bargaining power in this bill at all. She felt the reporters would be at the mercy of the county commissioners. Mrs. Cafferata felt the process would be identical to the one currently used in the Legislature: there is no formal bargaining requirement at present either, but the reporters do manage to present their case to the Legislature quite effectively, and there should be no difference with the county commissions.

Mr. Beyer compared the situation with that of an engineer who submits a bid or a proposal for a contract.

Ms. Foley then pointed out that fees for criminal matters are not sufficiently covered in AB 540. Mrs. Cafferata agreed this needed clarification.

In reply to Mr. Sader, Mrs. Cafferata said that the county commissioners support this bill. She noted she had spoken with the Clark County commissioners, who favored it.

The question was raised as to how the funding would be appropriated in those cases where two or more counties share a court reporter. It was noted that since these counties would also have to share court costs, the judge's fee, etc. there should be no problem in working out the reporter's fee.

Next to testify on AB 540 was Mr. Miles Terzich, of the Nevada Shorthand Reporters Association. He had several points which he wished to make concerning this bill in general:

- 1) He wondered just how strongly Clark and/or Washoe Counties favored this bill, since none of their lobbyists were present.
- 2) In the Legislature the court reporters have a statewide forum of representatives who will listen to their problems and attempt a resolution.
- 3) In some small counties there are very few, if any reporters; some counties have only one reporter; and in some instances a judge will have several counties in his district and will take his own reporter with him. In these counties the reporters would have absolutely no influence on the county commissioners to have their fees fixed; thus, the counties could set their own fees.
- 4) Even in Washoe and Clark Counties, where there is a much larger number of reporters, it is doubtful they would have much influence in the setting of fees.
- 5) By giving this matter to the counties, it will create an unknown situation as to the fiscal impact, since the effective date is July 1, 1982.
- 6) The Legislature has passed a tax package which lifts the cap where the Legislature mandates an increase in fees. If AB 540 takes effect in July 1982, this aspect disappears: the Legislative mandate is gone, and the cap comes back on; will the counties have enough money to continue paying the court reporters when this happens.
- 7) The current system is a good one which is working well. If there is any doubt as to how the new system will work and/or what its total impact on the state, fiscally and court system wise, will be, then this bill should not be passed.

Specifically, Mr. Terzich said he wished to note that:

- 1) There is absolutely no provision for travel expenses or detention expenses in AB 540; there is provision for these in the current law.
- 2) This bill does not provide at all for reporting criminal matters, except to mention the reporter being available to report civil and criminal testimony in the initial sentence.
- 3) It does mandate that the county commissions shall establish a fee for transcripts and shall prescribe an hourly fee for reporting civil matters; but that is all.

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- 4) AB 540 also states that in civil cases the parties must pay the hourly fee to the county treasurer, it will go into the General Fund, and the county will pay the reporter. Under existing law the money is either paid directly to the reporter or deposited with the county clerk for (i.e., earmarked for) the court reporter. AB 540 will increase the cost of the county doing business, since the money is not specifically earmarked for the court reporter and goes into the General Fund before being paid out. Also, there is no guarantee that once the money goes into the General Fund it will not be spent before the court reporter is paid.
- 5) Page 1, lines 22-23 note that the board "may assign a fee to each reporter". Does this mean that one reporter in the same judicial district can receive a different fee from another reporter? If so, what are the standards?
- 6) Page 2, lines 3-4 state "the hourly fee must not be more than the fee for the reporter for 1 hour". What does this mean?
- 7) Page 2, lines 4-7 do not make sense in view of the fact that the county must establish an hourly fee; is this an attempt to tell the county to establish a cap as a daily fee? The term "daily fee" is not used anywhere else in the bill, and there is no command to the county to establish a daily fee. If a reporter works on a trial for 10 hours, he should be paid for the 10 hours.
- 8) Originally the bill was intended to give the counties absolute authority to set court reporter fees. However, there are so many strings attached, and it contains so many ambiguous provisions, that it is not a proper bill to rid the Legislature of the problem of dealing with court reporters and their fees. All this bill does is eliminate the legislative responsibility to fix the dollar amount.
- 9) Page 2, lines 23-26 tell the counties (and there are several judicial districts that have 3 counties in them) where there is more than one county, they have to pro-rate the contributions according to the time consumed.. This could be asking for trouble, since you are asking several boards to try to determine this. These boards do not have any independent knowledge of what goes on in the court system; thus, you will be taking the judge's time to either testify or submit affidavits, and/or the court reporter's time to testify or submit affidavits, and you may not get a rapid decision, especially if there is any confusion or the boards do not agree. All you have done, then, is delay the paying of the court reporter in these counties. At present, the judge determines the pro-ration among the counties, since he is there and knows exactly what time the court reporter puts in. It should remain this way.

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- 10) Under existing law the judges, with the approval of the county commissioners, can set a salary plus travel expenses for the court reporters. AB 540 eliminates this discretion and mandates a fee for transcripts, and an hourly fee for the court reporter. There are several counties at this time who have exercised their discretion with the judges under the existing law and they have established salaries.

Mr. Terzich went on to note that his Association has no opposition to the concept of having the counties set the fee; AB 540 however, does not give the reporters any negotiating or collective bargaining power. If the bill were amended to provide mandatory collective bargaining (as other county employees currently do) for fees, salaries, benefits, travel expenses, etc., and make it effective on 1 January 1983 to mandate the collective bargaining between the parties, and then have the effective date of the contract be 1 July 1983, this would be a good, just and reasonable bill.

AB 540, as currently written, puts the court reporters at the mercy of the counties, without any legal negotiating power. Additionally, this bill mandates the counties to cut down on what the reporters currently receive, since they now receive an hourly fee in civil cases plus, for merely appearing on a criminal case, \$100 per day.

Mr. Terzich said it did not really matter whether the reporters were made employees of the county, or whether they were independent contractors, as long as they had bargaining rights.

Mr. Terzich also noted that under AB 540 the competent reporters would disappear, since it was not financially advantageous to them to work in the smaller counties. He said Clark and Washoe Counties might not be hurt, but he could not guarantee this. The smaller counties will definitely be disadvantaged, however. Mr. Terzich offered to work with a subcommittee in drafting amendments to this bill.

Another point raised by Mr. Terzich is that the judges have no input as to who the court reporter will be under AB 540; this could have severe repercussions in the case of a personality conflict, etc. Currently the judge can pick his own court reporter, and he also has the authority to fire a court reporter. AB 540 delegates these powers solely to the counties.

Mr. Terzich also noted that with the new bill, when a transcript is requested the party "may pay an amount equal to the fee payable to the official reporter to the county treasurer for deposit in the general fund in the county treasury"; there is no provision in there that the county has to pay that money to the court reporter as there is in the current law.

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Mr. Malone pointed out that if the counties each set their own fees, it is likely the smaller counties will pay less than the larger counties, and thus will have great difficulty getting a court reporter to travel out when needed.

Mr. Terzich summarized some of his testimony by noting that if all the current raises, etc. go through, court reporters will receive: a) \$100 per day just for being available to report civil or criminal cases, and b) \$15 per hour for civil cases. AB 540 only establishes an hourly fee for each and every hour that they work. When a court reporter has to remain available, even though he is not actually doing the work, the existing law provides for that; AB 540 does not. This bill says "spent in reporting". Also, it only applies in civil matters; it doesn't really deal with what happens in a criminal case. He felt there was so much wrong with the bill that it would take a lot of work to draft something palatable to the court reporters this late in the session.

Mrs. Cafferata could not explain many of the changes made in the bill, noting that the bill drafter deleted and/or inserted several sections which had not been requested by her.

Mr. Price said if the intent is to hand over the authority and responsibility of setting these fees to the counties, then all the extra limitations, etc. should be removed; if you are going to authorize the counties to do something, let them do it their own way, don't attache all these strings.

Next to testify on AB 540 was Mr. Patrick Pine, of Clark County, who stated his county commission has indicated a willingness to negotiate with reporters on fees, whether that is specified in detail, such as this bill, or whether it is something that is not specified that closely and says, generally, that county commissioners shall negotiate for court reporter services.

Mr. Pine went on to note that Clark County does not have particularly strong feelings about the issue of whether or not court reporting should be handled on a statewide or local basis; that is up to the Legislature to determine. If the county is charged with the responsibility of negotiating, the county commission would willingly negotiate that matter.

He added that there has been a great deal of effort to get uniformity in court related matters, and that this tends to be a problem all the time. Once you go back to some localized negotiation, it often occurs that those people involved in the court system eventually complain that uniformity has been lost and request a return to the statewide organization.

Another point made by Mr. Pine is that the counties do not really expect to save any money by negotiating with the court reporters; in fact, there is a possibility the counties may end up paying more as a result of negotiations.

AB 542: Provides that juvenile delinquents who cross state borders be treated as adults for purposes of extradition.

Mr. David Nicholas, Assemblyman for District 23, and Mr. Eric Beyer, Assemblyman for District 24, testified on this bill. They noted that this bill was requested by a constituent, who was present and would also be testifying on this bill. They said they had both reviewed the situation and agreed on the issuance of the bill draft, hence AB 542.

It was stated that the Chief Juvenile Deputy in Washoe County also supports this bill completely and feels it will help right a wrong.

In reply to Ms. Ham it was noted that there is currently no provision in Nevada law for the extradition of juveniles. It was further noted that all those law enforcement officials questioned concerning this bill felt it to be a good and necessary piece of legislation.

Ms. Randa Steele, the constituent who requested this bill, testified next. She explained that under the current Nevada Revised Statutes, the only provision that we have in this state for the extradition of juveniles comes under section 214, which is the Interstate Compact on Juveniles. This compact was originally meant to be a stopgap measure to cover juveniles who fled to other states and who had not committed specific crimes, but who were wanted as runaways, or were on probation or parole and were wanted for violation.

Under our current statutes there is no provision for extraditing a juvenile either to or from this state who has committed a specific crime, unless that crime is murder or attempted murder; under the last Legislative session the NRS covering the Juvenile Court Act were amended, exempting juveniles who had committed murder and attempted murder and treating them as adult offenders. Ms. Steele then cited several examples of crimes for which a juvenile could not be extradited.

Ms. Steele said AB 542 would cover both felonies and misdemeanors, however she did not feel it would be used except in the case of major felonies. She said that this is because, generally speaking, the jurisdiction that requests the extradition of the person pays the transportation expenses, and she could not foresee a state paying to bring someone back from New York simply because they committed a minor offense.

She went on to explain that this bill came about because a youth living in Truckee came to her home on New Year's eve and slashed all four tires on her car. After talking with the Washoe County Sheriff's Department, and the District Attorney's Office, and the District Attorney's Office and Probation Department

from Nevada County, California she discovered that we do not have these provisions in Nevada.

Ms. Steele noted that the lack of these provisions is not only causing Nevada a problem, it is also causing a problem for California, since juveniles cross the state lines both ways when committing crimes. Currently, California cannot request the return of a Nevada juvenile to their state, because Nevada has no provision for this. Thus, this bill is necessary not only to Nevada, but to all the states.

If AB 542 is passed the only thing it would change is how the juvenile is handled during the extradition process; that is the only proceeding during which he would be handled as an adult. The way this is usually handled is: once the juvenile is in custody, the actual extradition hearing would be held in juvenile court and the juvenile would be detained in juvenile detention facilities; the procedure for getting that juvenile into custody, the hearing, and getting them returned to the state would all be handled under the Uniform Extradition Act, which is covered in NRS Chapter 179.

Ms. Steele said she had talked with many law enforcement officials concerning this bill, and all of them fully support it.

Mr. Chaney asked if this bill coincided with the California law. Ms. Steele said that the original version which she had submitted to Assemblyman Nicholas was written exactly as the California law. The wording has been changed completely in the bill, however. She felt that as written this bill would still accomplish the same thing; AB 542 is just a much simplified version of the California statute.

She did question the wording of section 1, subsection 1, line 4 which states that a child who flees to another state "may be extradited by that state to Nevada according to that state's procedure for the extradition of adults". She stated that generally speaking all the states conform to the Uniform Extradition Act, and Nevada's extradition laws are the same as the extradition laws in all of the other states. It would be clearer, however, as to what procedure should be followed in getting that warrant for extradition if this section were worded to say that the child "may be proceeded against in the manner otherwise provided by law for proceeding against persons accused of crime". Also, a sentence from the original version was left off in this bill: "Upon the return of such child to this state by extradition or otherwise, proceedings shall be commenced in the manner provided for in this chapter." This would assure that once the juvenile is returned to Nevada, a petition would be filed and a hearing would be handled in juvenile court.

Ms. Steele explained to Mr. Chaney that this bill conforms with current laws of the other states as far as she can tell. She added that the reason for treating the child as an adult for

the extradition process, and only that process, is because juvenile court laws vary greatly from state to state; however these states do proceed against adults in a uniform manner, under the Uniform Extradition Act.

AB 547: Increases penalty for driving without license.

Ms. Sharon Alcamo, of the Department of Motor Vehicles, testified on this bill. She explained that, while AB 547 had not been requested by the Department, they do support it. In talking with judges throughout the state, it appears there is a problem in this area, albeit minimal. She noted that where the problem does exist, however, it is perpetual; individuals will be fined up to \$250, yet go right back out and repeat the violation over and over again.

Ms. Alcamo explained to Ms. Ham that there is a section in drivers' license law which states that, unless specifically identified, all violations in this section are misdemeanors; thus, this bill does raise the penalty, since the penalty for misdemeanors is up to 6 months in jail and/or up to a \$500 fine. Hence AB 547 does give the judge more leeway and leverage, as opposed to a cap of \$250.

Mr. Stewart explained that the key phrase in this bill is in section 1, which states it is "unlawful" to operate a motor vehicle without a valid driver's license; a separate section of NRS 483 states that whenever anything is unlawful it is a misdemeanor.

AB 533: Clarifies circumstances under which bail may be denied on charge of first degree murder.

Mrs. Cafferata reminded the Committee that Mr. Daykin was going to prepare an amendment on this bill, indicating that proof must be evident and/or the presumption great that the person committed the crime. She then moved AMEND AND DO PASS AB 533, seconded by Mr. Malone and passed unanimously, with Mr. Price absent at the time of the vote.

AB 540: Requires boards of county commissioners to establish fees for court reporters.

Mr. Thompson moved INDEFINITELY POSTPONE AB 540, seconded by Mr. Chaney.

During the discussion which followed, it became apparent that, while the majority of the Committee members favored the concept of this bill, there were just too many problems with the way it was currently written to be able to amend it and get it passed by both Houses before the end of the Legislative session.

Mr. Thompson's motion to INDEFINITELY POSTPONE AB 540 passed, with 6 voting in favor and 4 against. Mr. Price was absent at the time of the vote.

AB 514: Forbids any gaming regulation which excludes most elected public officers from holding gaming licenses.

There was a discussion as to whether or not this bill is necessary, if the Gaming Control Board and Commission adopt the proposed Regulation 11 Amendments (EXHIBIT A). It was suggested that the Committee question Mr. Dini, who sponsored the bill, as to how he felt about the matter in view of the GCC's testimony and proposal. It was also pointed out that, until the GCC actually adopted the suggested amendments, this bill should not be indefinitely postponed.

AB 534: Revises procedure for certain injunctions and repeals certain sections or crimes relating to exhibition and sale of obscene materials to minors.

Mr. Sader moved DO PASS AB 534, seconded by Mr. Beyer. Mrs. Cafferata requested that Mr. Daykin come and testify on why NRS 201.258 (Section 5 of the bill), which defines the term "knowingly", is repealed in this bill.

AB 542: Provides that juvenile delinquents who cross state borders be treated as adults for purposes of extradition.

Mr. Chaney moved DO PASS AB 542, seconded by Mr. Sader and passed unanimously, with Mr. Price absent at the time of the vote.

AB 547: Increases penalty for driving without license.

Ms. Ham moved DO PASS AB 547, seconded by Mr. Beyer and passed, with Mr. Chaney voting against and Mr. Price absent at the time of the vote.

AB 425: Substantially revises procedure regarding incompetency of criminal defendants.

Mr. Sader handed out copies of Amendment 789 to AB 425 (EXHIBIT B). He explained that these amendments incorporate the better suggestions made during previous testimony on this bill. He noted that this bill deals with a very technical area of the law, and that while the original version of the bill had problems, he felt these amendments corrected most, if not all, of these. He added that any other problems which might become evident could be handled on the Senate side, and he therefore suggested this bill be amended and passed.

Mr. Sader then summarized the previous testimony and problems concerning AB 425.

Mr. Sader pointed out that the amendments were technical in nature, adding wording which conforms the law to the constitution.

Mr. Malone noted that this bill is related to AB 454 and SB 248. Mr. Sader said this is true, and stated that SB 248 has been incorporated in AB 425. In fact, Mr. Sader suggested that since AB 425 is more complete than SB 248, this Committee should hold consideration of SB 248 pending disposition of AB 425; should the latter pass, the former would no longer be required. It was also pointed out that AB 454 is incorporated in the proposed amendment to AB 425, hence the latter is no longer necessary either.

AB 534: Revises procedure for certain injunctions and repeals certain sections or crimes relating to exhibition and sale of obscene materials to minors.

Mr. Daykin came forward to explain that NRS 201.258 is being repealed because it doesn't add anything to the state of the law. The first sentence says one knowingly does that which one either actually knows or which a reasonable person in such circumstances ought to know. The second sentence, besides being substantive and not belonging in a definition, is again pretty well settled law that if one has made a reasonable effort in good faith to find out, in this case the age of the person to whom he is going to sell something like this, he wouldn't be said to be selling it "knowingly" to a minor. Mr. Daykin assured the Committee that this does not eliminate the requirement of proof that may be involved in any prosecution for the defendant to have knowledge of what he is doing. Mr. Daykin said he added this section repealing NRS 201.258 at his own discretion.

Mr. Sader's earlier motion to DO PASS AB 534 passed unanimously, with Mr. Price absent at the time of the vote.

AB 514: Forbids any gaming regulation which excludes most elected public officers from holding gaming licenses.

Assemblyman Joseph Dini, from Assembly District 38, came forward to answer those questions raised earlier by the Committee on this bill. After Mr. Stewart explained the situation resulting from the GCC's proposed amendment of Regulation 11, Mr. Dini explained the history of the bill.

This bill was originally introduced two years ago, because Mr. Dini's wife wanted to run for City Council and ran into problems because they had community property on the stock in their corporation, and so she could not run for city council without a waiver. This has also occurred with other individuals wishing to run for public office. It was for these reasons that Mr. Dini decided it was time for the GCC to change their regulation on this matter. Since he had been assured two years ago that the regulation would be changed and it wasn't, he felt

the only way to accomplish his goal was via the statutes. He said that the proposed amendment to the regulation solves the problem, that he agrees with those exceptions listed in the amendment, and that he has no interest in processing AB 514 as long as the regulation change goes through.

Mrs. Cafferata moved DO PASS AB 514, seconded by Ms. Ham.

In the ensuing discussion it was suggested that the Committee hold this bill until the GCC actually adopts the amendment to their regulation; thus, should they again drop the ball, the Committee could still go ahead and push this bill through.

Mr. Sader explained to the Committee that if Mrs. Cafferata's motion fails, then the bill is still in Committee waiting for determination; it would take a completely separate motion to indefinitely postpone the bill.

Mr. Sader then pointed out that Ms. Becker had testified that the proposal to amend Regulation 11 was on the GCC's June agenda; he suggested holding the bill until this could be verified.

Mrs. Cafferata's motion to DO PASS AB 514 failed, with 7 voting against, and 2 voting for; Ms. Foley did not vote on the motion.

Mr. Stewart said that, with the Committee's permission, he will hold the bill until the GCC's agenda for June can be verified; there was no objection to this.

AB 425: Substantially revises procedure regarding incompetency of criminal defendants.

In reply to Ms. Foley, Mr. Sader explained that in those cases where an individual refuses medication which could help correct their condition, it is up to a judge to decide whether or not they can be forced to undergo treatment. This bill does not address such an issue; it is oriented towards the procedures for how these people are incarcerated and how they are evaluated.

Mr. Malone moved AMEND AB 425 per Amendment 789, seconded by Ms. Foley, and passed unanimously with Mr. Price absent at the time of the vote.

Mr. Malone then moved DO PASS AB 425 AS AMENDED, seconded by Ms. Foley and passed unanimously, with Mr. Price absent at the time of the vote.

AB 453: Permits court to inspect sealed records of juvenile offenders under certain circumstances.

Mr. Stewart explained that this bill would allow a judge sentencing an adult to have a look at his record as a juvenile.

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He explained that the present procedure requires the judge who wants to look at the juvenile records to so request, following which a juvenile judge reviews the request; only then are the records made available to the requesting judge. This process takes over a week in most cases, which, as a practical matter, makes it of little help.

AB 453 would allow only the judge (and his clerk) to have access via the computer to the records, on a timely basis, thus helping the judge in his disposition of the case.

Regarding the confidentiality issue, it was pointed out that all of the juvenile detectives have access to these records, so why shouldn't the judges. It was also pointed out that, if this bill passes, then in those areas where the judges do not have direct access to the computer they can obtain the information directly from the police; something which they cannot now do.

Ms. Foley stressed that the judge is not looking at a juvenile's record, but at the record of an adult who has been convicted of a crime; the judge is simply reviewing what this adult has done in the past.

Ms. Foley moved DO PASS AB 453, seconded by Mr. Malone and passed unanimously, with Mr. Price absent at the time of the vote.

AB 4: Increases fees for official reporters in district courts.

Mr. Sader said that the Senate has passed this bill with some amendments: they deleted those increases in transcript fees which this Committee had approved. Since the court reporters have expressed their willingness to compromise and accept the Senate's changes, Mr. Sader suggested the Committee concur in the Senate's amendments.

Mr. Stewart moved CONCUR IN SENATE AMENDMENTS TO AB 4, seconded by Mr. Malone and passed unanimously, with Mr. Price absent at the time of the vote.

As there was no further business for the day, Chairman Stewart adjourned the meeting at 10:35 a.m.

Respectfully submitted,

Pamela B. Sleeper

Pamela B. Sleeper
Assembly Attache

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

DATE: Tuesday, 5 May 1981
 SUBJECT: AB 533: Clarifies circumstances under which bail may be denied on charge of first degree murder.

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

AMENDMENT:
 Wording indicating that proof must be evident and/or the presumption great that the person committed the crime.

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 Assembly Judiciary Committee
 Tuesday, 5 May 1981

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

DATE: Tuesday, 5 May 1981

SUBJECT: AB 540: Requires boards of county commissioners to establish fees for court reporters.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE XX
RECONSIDER _____

MOVED BY: MR. THOMPSON SECONDED BY: MR. CHANEY

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>6</u>	<u>4</u>	—	—	—	—

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

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Tuesday, 5 May 1981

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

DATE: Tuesday, 5 May 1981

SUBJECT: AB 542: Provides that juvenile delinquents who cross state borders be treated as adults for purposes of extradition.

MOTION:

DO PASS XX AMEND _____ INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: MR. CHANEY 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>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 Assembly Judiciary Committee
 Tuesday, 5 May 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Tuesday, 5 May 1981

SUBJECT: AB 547: Increases penalty for driving without license.

MOTION:

DO PASS XX AMEND INDEFINITELY POSTPONE
RECONSIDER

MOVED BY: MS. HAM SECONDED BY: MR. BEYER

AMENDMENT:

MOVED BY: SECONDED BY:

AMENDMENT:

MOVED BY: SECONDED BY:

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	X	—	—	—	—	—
Foley	X	—	—	—	—	—
Beyer	X	—	—	—	—	—
Price	ABSENT	—	—	—	—	—
Sader	X	—	—	—	—	—
Stewart	X	—	—	—	—	—
Chaney	—	X	—	—	—	—
Malone	X	—	—	—	—	—
Cafferata	X	—	—	—	—	—
Ham	X	—	—	—	—	—
Banner	X	—	—	—	—	—
TALLY:	<u>9</u>	<u>1</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated Withdrawn

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

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Tuesday, 5 May 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Tuesday, 5 May 1981

SUBJECT: AB 534: Revises procedure for certain injunctions and repeals certain sections or crimes relating to exhibition and sale of obscene materials to minors.

MOTION:

DO PASS XX AMEND ___ INDEFINITELY POSTPONE ___
 RECONSIDER ___

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

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	<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>10</u>	<u>0</u>	—	—	—	—

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

ATTACHED TO MINUTES OF Assembly Judiciary Committee
 Tuesday, 5 May 1981

61st NEVADA LEGISLATURE
 ASSEMBLY JUDICIARY COMMITTEE
 LEGISLATION ACTION

DATE: Tuesday, 5 May 1981

SUBJECT: AB 514: Forbids any gaming regulation which excludes most elected public officers from holding gaming licenses.

MOTION:

DO PASS XX AMEND INDEFINITELY POSTPONE
 RECONSIDER

MOVED BY: MRS. CAFFERATA SECONDED BY: MS. 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>NOT VOTING</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>2</u>	<u>7</u>	_____	_____	_____	_____

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

ATTACHED TO MINUTES OF Assembly Judiciary Committee
 Tuesday, 5 May 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Tuesday, 5 May 1981
 SUBJECT: AB 425: Substantially revises procedure regarding
 incompetency of criminal defendants.

MOTION:
 DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____

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

AMENDMENT:
 Amendment 789 to AB 425. (See EXHIBIT B.)

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 Assembly Judiciary Committee
 Tuesday, 5 May 1981

61st NEVADA LEGISLATURE
 ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Tuesday, 5 May 1981

SUBJECT: AB 425: Substantially revises procedure regarding
 incompetency of criminal defendants.

MOTION:

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

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

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<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 Assembly Judiciary Committee
 Tuesday, 5 May 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Tuesday, 5 May 1981

SUBJECT: AB 453: Permits court to inspect sealed records of juvenile offenders under certain circumstances.

MOTION:

DO PASS XX AMEND ___ INDEFINITELY POSTPONE ___
RECONSIDER ___

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

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 Assembly Judiciary Committee
Tuesday, 5 May 1981

61st NEVADA LEGISLATURE
 ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: Tuesday, 5 May 1981

SUBJECT: AB 4: Increases fees for official reporters in district courts.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE _____
 RECONSIDER _____ CONCUR IN SENATE AMENDMENTS XX

MOVED BY: MR. STEWART SECONDED BY: MR. MALONE

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 Assembly Judiciary Committee
 Tuesday, 5 May 1981

PROPOSED REGULATION 11 AMENDMENTS

PURPOSE OF AMENDMENT: To reduce the scope of the existing regulation and limit its proscription only to those individuals having an official duty to enforce the gaming laws.

REGULATION 11
MISCELLANEOUS
(GCB Draft: 4/15/81)

11.010 Officials not to hold gaming licenses or related approvals.

1. Prohibition. No state gaming license, finding of suitability, or approval, the granting of which requires an application to be made to the Nevada gaming commission, shall be held by nor granted to any person holding office in, or employed by, any agency of the State of Nevada or any of its political subdivisions when the duties of such office or agency [have to do with] pertain to the enforcement of the provisions of chapters 463, 464, or 465 of the Nevada Revised Statutes . [or any other statute or ordinance pertaining to gaming.]

2. Inclusions. This regulation applies specifically, but without limitation, to the following categories of persons in gaming enforcement:

- (a) Persons affiliated with the attorney general's office of the State of Nevada;
- (b) Persons affiliated with any district attorney's office within the State of Nevada;
- (c) Persons affiliated with any sheriff's office or police department within the State of Nevada;

(d) Members, agents, or employees of the Nevada gaming commission or state gaming control board;

(e) Any [county or municipal elected official, officer, agent, or employee whose duties involve or relate to the control, taxation, or licensing of gaming activities.] member of the judiciary.

3. Waivers. The commission may waive the prohibition contained within subsection 1 of this regulation if it makes a written finding that such waiver is not inconsistent with the state policy set forth in NRS 463.130, and the functions, duties, or responsibilities of the person otherwise restricted from holding the license, finding of suitability, or approval do not involve matters relating to the enforcement of the provisions of chapters 463, 464, or 465 of the Nevada Revised Statutes.

[(a) The person otherwise restricted from holding the license, finding of suitability, or approval obtained the license, finding of suitability, or approval prior to attaining the position which is within the prohibition established by this regulation, or]

[(b) The functions, duties, or responsibilities of the person otherwise restricted from holding the license, finding of suitability, or approval do not involve matters relating to the control, taxation, or licensing of gaming activities.]

4. Non-transferability of waivers. A waiver granted pursuant to this section is applicable only to the specific matter for which it is granted and shall not be transferable to any other

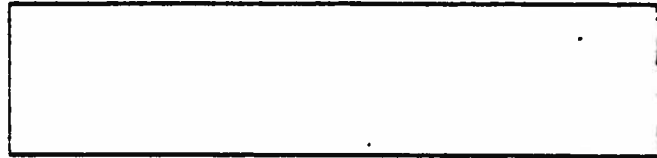
Regulation 11
(GCB Draft: 4/15/81)
Page 3

license, finding of suitability, or approval applied for or held
by the person otherwise prohibited from holding or being issued
the same.

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to	Assembly
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>		Joint
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Bill No. 425	Resolution No.
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	BDR 14-1168	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by	Committee on Judiciary
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>		
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment N^o 789



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

"Section 1. NRS 175.521 is hereby amended to read as follows:

175.521 1. Where on a trial a defense of insanity is interposed by the defendant and he is acquitted by reason of that defense, the finding of the jury [shall have] has the same [force and] effect as if he were regularly adjudged insane, [as now provided by law,] and the judge [thereupon] shall forthwith order that the defendant be committed to the custody of the administrator of the mental hygiene and mental retardation division of the department of human resources until he is regularly discharged therefrom in accordance with law.

2. The administrator shall make the same reports and the court shall proceed in the same manner in the case of a person committed pursuant to this section as of a person committed because he is incompetent to stand trial pursuant to NRS 179.400 to 179.465, inclusive."

Amend section 1, page 1, line 8, after "mentality" by inserting "to know the difference between right and wrong and".

Amend sec. 5, page 2, line 13, after "that" by inserting: "he is dangerous to himself or to society or that".

Assembly Judiciary Committee
Tuesday, 5 May 1981

Amend sec. 5, page 2, line 18, by deleting "psychiatric" and inserting:

"[psychiatric]".

Amend sec. 5, page 2, line 28, by deleting "psychiatric".

Amend the bill as a whole by deleting section 6.

Amend sec. 7, page 2, line 41, by deleting "initial".

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

"outpatient or for recommitment pursuant to paragraph (b) of subsection 3 of NRS 178.460,".

Amend sec. 8, page 3, by deleting lines 10 and 11, and inserting:
"judge of the district court which committed the person and the district attorney of the county to which the person may be returned for further court action whether or not in his opinion, upon medical consultation:

(a) The defendant is of sufficient mentality to know the difference between right and wrong and to be able to understand the nature of the crim-

Amend sec. 8, page 3, line 14, by deleting "thereafter ." and inserting:

"thereafter ;"

Amend sec. 8, page 3, line 19, by deleting "2.] 3." and inserting:

2.] (b) There is a substantial probability that the defendant will attain competency to stand trial in the foreseeable future; and

(c) The defendant is at that time a danger to himself or to society.

3."

Amend sec. 9, page 3, line 30, by deleting "or is not".

Amend sec. 9, page 3, line 46, by deleting the bracket.

Amend sec. 9, page 3, line 48, by deleting the bracket.

Amend sec. 9, page 3, line 49, by inserting a closed bracket after "[and".

Amend sec. 9, page 3, line 50, by deleting "(c)] (b)" and inserting:

"(c)".

Amend sec. 9, page 4, line 3, by deleting "(c)" and inserting "(d)".

Amend sec. 9, page 4, by deleting lines 4 and 5 and inserting: "(a), (b) and (c) to be placed upon trial, whether there is a substantial probability that the person will attain competency in the foreseeable future."

Amend sec. 10, page 4, by deleting lines 35 through 39 and inserting:

"(a) Competence or incompetence; and

(b) Whether there is substantial probability that the defendant will attain competency to stand trial in the foreseeable future if he has found the defendant to be incompetent."

Amend sec. 10, page 4, line 41, after "forward" by inserting: "his finding".

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

"(b) Incompetent, but there is substantial probability that he will attain competency to stand trial in the foreseeable future,".

Amend sec. 10, page 5, by deleting line 13 and inserting:

"(c) Incompetent, with no substantial probability of attaining competency in the foreseeable future,".

Amend sec. 11, page 5, by deleting lines 44 and 45 and inserting: "sion of the person for an appropriate course of treatment."

Amend the bill as a whole by deleting section 14 and renumbering section 15 as section 14.