Minutes of the Nevada State Legislature

Assembly Committee on JUDICIARY

Date: Thursday, 7 May 1981

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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: Ned B. Solomon, Clark County Juvenile Court

Barbara Weinberg, NV Housing Coalition

Jim Joyce, NV Judges Association

Chairman Stewart called the meeting to order at 8:10 a.m. He distributed to the Committee a list of bills which had been heard, but upon which no action had yet been taken (see EXHIBIT A), and asked the Committee to consider these.

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

Mr. Stewart explained that this bill is being held pending passage by the Senate of their bill dealing with criminal syndicates.

AB 178: Requires game wardens to enforce additional criminal statutes.

Mr. Stewart reminded the Committee that the action on this bill had been rescinded pending recalling the game warden for additional discussions. This has not yet been done.

AB 246: Adds to provisions for assignment of wages of responsible parent for child support.

This bill is very similar to <u>SB 252</u>, and it was suggested that the two be combined into one, comprehensive piece of legislation. It was further noted that, since <u>SB 252</u> was a committee introduction, it would be better to keep <u>AB 246--and</u> the names appended thereon--and incorporate SB 252 into it.

The Committee reviewed the Minutes of the hearings on these two bills, noting that several amendments, in addition to the combining of the two bills, had been recommended.

(Committee Minutes)

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It was agreed that the original subcommittee appointed to study this matter (Mr. Sader, Ms. Ham and Mr. Malone) should get together and incorporate the two bills into one: AB 246, and also add any other amendments suggested during the hearings.

AB 269: Permits district attorney to refer person suspected of child abuse or neglect to social agency for treatment or counseling.

This bill is being held for comparison with AB 377.

AB 286: Repeals provisions of law relating to criminal libel.

Although scheduled, the hearing on this bill did not take place due to a lack of time. The Chairman stated a new hearing would be scheduled in the near future.

AB 306: Changes monetary amount for jurisdiction of courts and conforms certain statutory provisions relating to jurisdiction.

Mr. Stewart noted that the Senate has passed <u>SB 440</u>, which deals with the same thing, and that this Committee will be holding a hearing on <u>SB 440</u> Friday, 8 May. He said he would like to delay taking <u>action</u> on <u>AB 306</u> until after that hearing. The Committee agreed.

Mr. Malone went on to point out that <u>SB 107</u> was also similar to <u>AB 306</u>,

Ms. Ham asked about the fiscal impact of the bill. Mr. Stewart replied that Clark County had been asked to supply information in writing concerning this, but had not yet done so. He said representatives from the County would probably be at the hearing on <u>SB 440</u> on Friday, and he would remind them of this then.

AB 339: Changes various provisions concerning municipal and justices' courts.

Mr. Stewart said section 1 of this bill allows the courts to be closed on Saturday or Sunday. Actually though, there is a prohibition against judicial business on Saturday or Sunday, and there was some question about what you could do in reference to bail, the posting of bail, the clerk's office being open, etc.

He said there were also questions on section 4, regarding the appointment of bailiffs.

Mr. Thompson noted there was an amendment which was supposed to have been drafted concerning certain problems raised by the City of Las Vegas.

Ms. Ham asked about the fiscal impact of this bill upon the local governments.

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Mr. Stewart noted that there were so many changes suggested, it would almost require writing an entirely new bill.

Mrs. Cafferata moved INDEFINITELY POSTPONE AB 339, seconded by Ms. Ham.

During the discussion of the motion, Mr. Stewart noted he supported it. He pointed out that: a) regarding section 1 and the hours these offices should be open, they ought to be able to determine this themselves; b) it is important that, especially in the larger areas, the clerk's office be open so bail can be posted at all times; c) regarding the appointment of the bailiffs, the appointing power is generally the county commission—they do the employing, and if they want to have him serve at the pleasure of the justice that is up to them. All of this would require extensive amendments to this section.

Ms. Foley said that right now the justices of the peace and the municipal judges in Las Vegas do have the power to choose whom they want, and it is then approved by the county commission; so they do have quite a bit of say right now. Mr. Stewart agreed.

Mr. Stewart went on to note that he had received a telephone call from the clerk in justice court in Las Vegas, and she is very concerned about section 9 of AB 339. She said that right now the county commissioners appoint the clerk, and there is a question in her mind about two main points: a) she feels they ought to be a little independent from the justice of the peace because they keep the records for all the court proceedings; and b) she questions whether there will be one justice court clerk or if there would be several individual court clerks, which would cause confusion. Right now there is one justice court clerk, with several deputies.

Mr. Thompson said he would have to vote against the motion to indefinitely postpone. He felt that if the amendment correcting those problems raised by the City of Las Vegas was drawn up, then the only other problem was the addition of the words "with the approval of the board of county commissioners", which would require that they get that approval first, as they do now. He added that it was his belief this is where the fiscal note comes in, because the judge has the right to do these things but without having to answer to the board. This additional wording should alleviate this.

Mr. Stewart said he had a letter indicating the amendments to which Mr. Thompson was referring, but after adding these to the bill, the new law would be almost identical to the current one.

Mrs. Cafferata said in response to the fiscal impact, one of the problems is contained on page 2, which says they shall provide a courtroom and office for each justice of the peace. She said some of these people operate out of their homes, etc.

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Ms. Foley said that most of the judges who need offices, etc. already have them, and that she does not feel this bill is necessary. She felt there were other ways to assist judges.

Mrs. Cafferata's motion to INDEFINITELY POSTPONE AB 339 passed, with Mr. Thompson and Mr. Price voting against. Mr. Chaney, Mr. Sader and Mr. Banner were absent at the time of the vote.

AB 340: Provides procedure for fixing salaries of justices of peace and police judges.

Mrs. Cafferata asked if the amendment on this bill was ready yet. Mr. Malone noted that the bill was also being held in order to compare it with <u>SB 440</u>, which is on Friday's agenda.

Mr. Stewart explained that  $\frac{SB}{to}$  has to do with jurisdiction and fees, while  $\frac{AB}{to}$  has to do with judges' salaries. He said he did not think section one of  $\frac{AB}{to}$  was taken care of in the Senate bill, but section 2 is  $\frac{AB}{to}$  addressed.

Mr. Stewart went on to note that the matter of police judges was taken care of earlier when the Committee voted to allow the city councils to raise salaries during terms, which takes care of section 11 of AB 340 through the rest of the bill.

It was agreed AB 340 should be held for comparison with SB 440.

AB 345: Enlarges functions of hearing division in department of administration.

It was noted that this bill was one of Mr. Chaney's, who said that the testimony indicated there were too many little agencies involved in this. Since there did not appear to be enough time to solve all the problems surrounding this bill, Mr. Chaney suggested it be held until next session, when it would be easier to do it justice.

Mr. Chaney moved INDEFINITELY POSTPONE AB 345, seconded by Mrs. Cafferata and passed unanimously, with Mr. Banner and Mr. Sader absent at the time of the vote.

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

Action on this bill had already been taken during an earlier meeting.

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

Mr. Stewart said he was holding this pending action on SB 83, which has to do with driving under the influence.

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AB 423: Changes reference to approving authority for excess fees to attorneys for indigents.

It was noted this bill had been set for a hearing, but time did not permit testimony. Mr. Stewart said he would reset the hearing as soon as possible.

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

It was noted that action on this bill had already been taken.

AB 432: Makes various revisions to law governing mobile home parks.

Mr. Stewart reported that the subcommittee on this bill has met and has some recommended amendments which are probably not entirely agreed to, but which the subcommittee will present to the mobile home people and the mobile home owners later in the day.

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

Mr. Price said there was still a small amendment which needs to be made to this bill, but it might be better to get this done over in the Senate in order to get this bill moving.

Mrs. Cafferata said she had talked to a representative of Washoe County concerning the county's budget; bail bond forfeitures last year amounted to \$300,000, and they are projected to be the same this year. Mrs. Cafferata said the county does not want to lose this source of revenue to their General Fund. She went on to say that these forfeitures amount to about \$150,000 in the smaller counties, and that with the caps, etc. it is not really fair to take this money away from them.

Mr. Price said he had also received a letter from Patrick Pine who indicated this involved circa \$200,000 in Clark County.

Mrs. Cafferata said she supports this bill, but she does not see how the Committee can vote bail bond forfeitures as a funding source. She suggested putting it in the General Fund, or the Emergency Fund.

Mr. Price said it would not be appropriate to fund this through the Emergency Fund, since it would soon use up all these monies. He explained that the Good Samaritan bill is much more limited in its application than is AB 447.

It was pointed out that the method of funding is different now than it was when the hearing was held on this bill, and that the counties haven't really had a chance to testify on this aspect of the bill. Minutes of the Nevada State Legislature
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Mr. Price suggested the Committee pass the bill, and let the

counties address this problem during the Senate hearings on it.

Mr. Stewart said he also supported moving this bill along.

Mr. Beyer pointed out that although the counties have already worked bail bond forfeitures into their budgets, this Committee just passed a bill which raises the fine for a misdemeanor from \$500 to \$1200. This has not been included in the counties' budgets to date. He suggested earmarking part of or a percentage of these fines for this bill.

Mrs. Cafferata said that the higher fines might not end up increasing the counties' revenues, since this is a fine imposed at the discretion of the judge, who might hesitate to levy such a harsh penalty.

Mr. Malone said he thought that municipal and justice courts will be more likely to fine over \$500; they couldn't fine over that before, and they are not going to push a misdemeanor into district court. He agreed this would result in increased revenue to the counties.

Mr. Stewart hoped these fines would increase the counties' revenues, but he doubts there are many fines which even push the \$500 limit.

Mr. Thompson said he was also in favor of moving this bill along, and he felt if this Committee scheduled more hearings on it, the result would be the same as if it had been indefinitely postponed.

Mr. Malone moved DO PASS AB 447, seconded by Mr. Thompson.

During the discussion, Mrs. Cafferata asked if the money was actually supposed to go to the state treasury, rather than to the county treasuries. Mr. Price said this was correct, since it is the state which distributes these funds. Mr. Price also said this does not cover traffic violations, just bail bond forfeitures.

Mr. Stewart said he was not so sure that traffic and misdemeanor offenses are excluded from funding this bill; in addition, there are some bail bonds in traffic court. He therefore suggested amending the bill, if the bill drafter agrees with Mr. Stewart's interpretation, to exclude those. He said he did not think this amendment would greatly delay the bill.

There was also a discussion regarding having excess funds revert back to the counties at the end of the year. A problem arose, however, concerning what the cutoff point would be; i.e., would you go back to zero base budgeting each year, since the funds are also used for the operation. Mr. Stewart suggested this be reviewed in two years, in order to prevent a deficit and also a build-up of funds. He felt it would be reviewed whether or

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a sunset provision was attached, so it was agreed such a provision was not necessary.

Mr. Stewart moved AMEND AB 447 to eliminate traffic offenses, seconded by Mr. Chaney and passed unanimously, with Mr. Sader absent at the time of the vote.

Regarding Mr. Malone's motion to DO PASS AB 447, following the vote to amend, this motion passed, with Mrs. Cafferata voting against and Mr. Sader absent at the time of the vote.

AB 246: Adds to provisions for assignment of wages of responsible parent for child support.

Mr. Sader, who was absent during the earlier discussion of this bill and who chaired the subcommittee, said that although SB 252 was a better bill and had already passed the Senate, the section in AB 246 dealing with the notification process was better than that in SB 252. Therefore, the subcommittee, after talking with the various parties involved, gutted AB 246, inserted all the language of SB 252, and then added the notice provision contained in the original AB 246. These amendments are being drafted.

Mrs. Cafferata asked about an earlier discussion on this bill concerning being in compliance with federal standards; she wondered if this was still a question. Mr. Sader thought this problem had been taken care of, but said he would double check it.

The question of whether or not this bill authorizes Welfare to go after both on-going and arrearages in child support at the same time was raised. It was noted that while the Department currently does this, the law is not clear on whether they are actually authorized to do so. Mr. Sader also agreed to check on this.

Finally, in reply to Mrs. Cafferata, Mr. Sader said that attorney's fees had been added in.

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

Mr. Sader explained that AB 225, which revises the criminal incompetency laws and which passed the Assembly on 6 May 1981, included the additional notice provision of AB 454 in the amendment to AB 225 which the Committee approved. Thus, AB 454 is no longer needed.

Mr. Malone moved INDEFINITELY POSTPONE AB 454, seconded by Ms. Foley and passed unanimously, with Mr. Chaney absent at the time of the vote.

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AB 481: Makes various administrative changes to law regulating juvenile correctional institutions.

Mr. Stewart reviewed sections of this bill, noting that:

- a) Section 1 allows the institutions to enter into contracts with their athletic coaches. He could find no real problem in this section.
- b) The words "United States Government" should be substituted for "Department of Education" on page 2, lines 17-18.
- c) The local jurisdictions should collect the monies, per section 3, lines 39 +; this should be changed throughout the bill.

Mr. Stewart said it was his suggestion that if it was not economical for the state to run these attorneys all over, then they should contract with the local agencies and come to some kind of agreement to collect that money.

Other members of the Committee also agreed that it was not a good idea to make the local entity the bill collector.

Mr. Malone suggested the bill be indefinitely postponed. Mr. Sader suggested simply deleting sections 3 through the end of the bill, passing only sections 1 and two.

Mrs. Cafferata wondered how this bill, which permits these institutions to request money from the federal government, would affect and/or be affected by legislation passed during the previous session concerning agencies independently requesting funds from the federal government, and then asking the state to pick up the funding once the federal funds were cut off. Mr. Sader felt that the earlier legislation would still take precedence over this bill, and thus would monitor these funding requests. Mrs. Cafferata felt this should be clarified in AB 481.

Mr. Stewart said that instead of eliminating all the sections, the same effect could be obtained by deleting lines 39-42 on page 2, and lines 46-48 on page 3. The rest of these sections is basically clean-up language.

Mr. Sader moved AMEND AB 481 by substituting "United States Government" for "Department of Education" on page 2, lines 17-18; deleting lines 39-42 on page 2; and deleting lines 46-48 on page 3. Mr. Malone seconded the motion, which passed unanimously, with Mr. Chaney absent at the time of the vote.

Mr. Sader then moved DO PASS  $\underline{AB}$  481 AS AMENDED, seconded by Mr. Thompson and passed, with  $\underline{Mrs}$ . Cafferata voting against and Mr. Chaney absent at the time of the vote.

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Mr. Sader told Mrs. Cafferata that if she was able to determine that this bill did conflict with that legislation passed during the previous session, then he would be interested in knowing of it.

Mrs. Cafferata noted that this question was her only objection to passing the bill now, and that was why she voted against it.

AB 531: Requires semiannual judiciary hearings after placement of foster child.

Mr. Stewart noted that Judge Mendoza had submitted several amendments to this bill during his testimony, and that the Welfare Department had testified against the bill, saying they should be in control of this situation and they had a separate bill coming out of the Senate which would give them 18 month reviews which they felt would satisfy the federal law. Mr. Stewart said it was up to the Committee to decide whether this issue should be handled by the Juvenile Judge or by the Department of Welfare.

Ms. Foley moved AMEND AB 531, using Judge Mendoza's amendments. Mr. Malone seconded this motion.

Ms. Foley said she had had a question earlier, for which she has since obtained the answer: she wanted to be sure that the foster parents have the right to participate in the hearing; the amended version of the bill takes care of this.

Ms. Foley's motion to AMEND AB 531 passed unanimously, with Mr. Chaney absent at the time of the vote.

Ms. Foley then moved DO PASS AB 531 AS AMENDED, seconded by Mr. Price and passed, with Mrs. Cafferata abstaining and Mr. Chaney absent at the time of the vote. Mrs. Cafferata stated she abstained from the vote because she had been absent during the hearing on it and she did not feel well enough informed on the matter.

AJR 33: Proposes to amend Nevada Constitution by removing requirement that proceeds of fines be devoted to permanent school fund.

Mr. Price told Mr. Sader that he had not had a chance to again talk to the PTA on this matter, but that he was not aware of any opposition to it.

In reply to Mrs. Cafferata, Mr. Price explained that he had talked to Mr. Daykin several times concerning changing the language in his victims of crimes bill in order to permit such funding without having to request a constitutional amendment, but he never received a definitive response; so he decided to go ahead with this resolution.

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Mrs. Cafferata said this bill opened up a Pandora's box, with which Mr. Price agreed, but he felt it could be controlled by statute rather than by a constitutional requirement.

Mr. Price moved DO PASS AJR 33, seconded by Mr. Banner. The motion failed, with only Mr. Price voting in favor. Mr. Chaney was absent at the time of the vote.

Rather than indefinitely postpone the resolution, Mr. Price asked for the chance to find an alternate method acceptable to the Committee, since it was the wording, not the concept, which was objected to. The Committee has no objection to funding the victims of crime bill through a new fine, they are just afraid using AJR 33 to do this will result in serious damage to the school fund; the Committee therefore agreed to give Mr. Price the extra time.

SB 13: Adds supervised work as optional condition of probation or punishment for misdemeanor.

Ms. Foley asked about the constitutionality of this bill; would this be involuntary servitude. Mr. Price clarified that this bill was not unconstitutional; he read from the 13th Amendment of the U.S. Constitution, which states: "Section 1. Slavery, involuntary servitude abolished. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." (Adopted 1865)

Mrs. Cafferata moved DO PASS <u>SB 13</u>, seconded by Mr. Malone and passed, with Mr. Banner voting against and Mr. Chaney absent at the time of the vote.

SB 33: Empowers attorney general to prosecute gaming offenses under certain conditions.

Mr. Stewart reminded the Committee that this bill had been heard jointly with the Senate, and that if the Committee so desires, they can also hold a separate hearing on this issue.

Mr. Sader moved DO PASS SB 33, seconded by Mr. Price and passed unanimously, with Mr. Chaney absent at the time of the vote.

SB 253: Allows district attorney to assess fees against applicant for child support or establishment of paternity who is not indigent.

It was noted that although scheduled, the Committee did not have time to hold the hearing on this bill. Chairman Stewart said he would reset the hearing.

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SB 321: Clarifies certain provisions of law relating to estates of decedents.

This bill was passed earlier by the Committee.

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

Mr. Price said he had received a copy of the Department's rules and regulations, which he had requested during the hearing on this bill. He noted these were quite extensive, covering everything from the hiring of new employees, to working conditions, to policies and procedures, and that he did not feel all of these should be exempt from the Nevada Administrative Procedure Act. He did feel, however, that some should be.

Chairman Stewart suggested he discuss this with the Legislative Counsel Bureau, and that they attempt to determine whether or not certain sensitive portions of the Department's rules and procedures could be exempt, rather than exempting the entire document. Mr. Price agreed to do this.

Authorizes certain investment of surplus in trust SB 453: fund for child welfare on behalf of child.

This is another bill for which there was insufficient time to hold the hearing, and which will be rescheduled.

SCR 27; Requests supreme court to provide special provision for appeal in probate matters.

Mr. Stewart noted he had asked that this bill be held until action was taken on SB 321; since this bill has since been passed, he said it was now appropriate to also pass this resolution.

Mr. Malone moved DO PASS SCR 27, seconded by Mrs. Cafferata and passed unanimously, with Mr. Chaney absent at the time of the vote.

Exempts small tear gas weapons for use in self-defense AB 561: from certain statutory requirements.

There was a discussion of the size of the container for this material, and whether it should be listed in terms of cubic centimeters, grams, or fluid ounces. The subcommittee, consisting of Mr. Beyer, Mr. Malone and Ms. Ham, agreed to meet on this and other problems with this bill later in the afternoon.

AB 560: Makes various administrative changes concerning commission on crimes, delinquency and corrections.

Mrs. Cafferata moved AMEND AB 560 per Amendment 803 and incorporating those amendments suggested by Mr. Jacka during his testimony on this bill, seconded by Mr. Malone and passed

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unanimously, with Mr. Chaney absent at the time of the vote.

Mr. Malone then moved DO PASS AB 560 AS AMENDED, seconded by Mr. Sader and passed unanimously, with Mr. Chaney absent at the time of the vote.

AJR 39: Proposes constitutional amendment to abolish trials by jury in justices' courts.

Mr. Stewart said there was substantial research which indicates this change can be accomplished without a constitutional amendment, and that he would like to confer with the Legislative Counsel Bureau prior to taking action on this resolution. The Committee agreed with this.

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

It had not yet been verified that the proposed change to Regulation 11 is on the Gaming Control Commission's June agenda, therefore, the Committee will continue to hold this bill.

AB 269: Permits district attorney to refer person suspected of child abuse or neglect to social agency for treatment or counseling.

Mr. Sader explained that all this bill does is provide another tool for the district attorneys, who do not have this option at this time. He said it does not require them to do anything, nor does it prevent them from prosecuting, if they think that is the best course to take; but it does allow them to refer a case to the appropriate agency for treatment or counseling in a child abuse situation.

Mr. Sader pointed out that several amendments had been suggested during the testimony on this bill:

Page 1, lines 4-5: Since there are also many non-governmental agencies doing excellent work in this area, the bill should not be limited to state agencies. It should be amended to read "to an approved agency...", or words to that effect.

Page 1, line 3: add "in special circumstances" after the word may.

Page 1, line 13: delete subsection (b) in its entirety. Mr. Sader said he did not agree with this suggestion

Mrs. Cafferata said that other things were also mentioned, for example who would supervise these programs--Parole and Probation, or whom--etc. Mr. Sader suggested this be left to the discretion of the district attorney, because the resources available to district attorneys are quite different in the various counties, and if Parole and Probation is given this sole authority they

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will protest this.

Chairman Stewart appointed Mr. Sader and Mrs. Cafferata to a subcommittee to further look into these proposed changes.

Next there was a discussion as to what time the Committee should meet on Friday, 8 May, since there was so much work to do and General Session was scheduled for 10:30 a.m. It was finally decided, after much debate, to meet at 7:30 a.m. and to request Senator Wagner come in at that time to begin testimony on SJR 20, the first item on Friday's agenda.

As there was no further business, Chairman Stewart adjourned the meeting at 10:40 a.m.

Respectfully submitted,

Lamela B. Sleeper

Pamela B. Sleeper Assembly Attache

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ATTACHED TO MINUTES OF Assembly Judiciary Committee
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DATE:	Thursday, 7 May 1981								
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ATTACHED TO MINUTES OF <u>Assembly Judiciary Committee</u>
Thursday, 7 May 1981

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DATE: Thursday, 7 May 1981	
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Withdrawn

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MOTION	AMEND	AMEND	*
VOTE: YES NO	YES NO	YES NO	
	<del></del> -		
Foley X			
Beyer X Price X	<del></del>	<del></del>	
Sader X			>
Stewart X Chaney ABSENT		<del></del>	
Chaney ABSENT Malone X			
Cafferata X			
Ham <u>X</u> — Banner X			
TALLY: 10 0			
ORIGINAL MOTION: Passed x	X Defeated _	Withdrawn	

AMENDED & DEFEATED

AMENDED & DEFEATED

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Thursday, 7 May 1981

AMENDED & PASSED

DATE:	Thui	rsday, / Mag	A TART	
SUBJECT:	AB 4	481: Makes regul	various administ ating juvenile co	rative changes to law rrectional institutions
	PASS ONSIDE	AMEND	XX INDEFINITE	ELY POSTPONE
йол	ED BY:	MR. SADE	R SECONDED I	BY: MR. MALONE
AMENDMEN	T:			
Pa	ige 2,	for "I	8: substitute "U Department of Edu 2: delete entirl 8: delete entire	ey
MOV	ED BY:		SECONDED I	3Y:
AMENDMEN	T:		<del></del>	
MOV	ED BY:		SECONDED I	BY:
	MOTI	ON	AMEND	AMEND
VOTE:	YES	NO	YES NO	YES NO
Thompson				
Foley Beyer	$\frac{X}{Y}$			
Price	$\frac{x}{x}$	-		
Sader	<u>x</u>			
Stewart Chaney	ABSEN	NT.		•
Malone	<u>x</u>	·		
Cafferat	a <u>X</u>			
Malone Cafferat Ham Banner	$\frac{X}{X}$			
TALLY:	10	<u>o</u>		

Defeated \_\_\_\_

AMENDED & DEFEATED AMENDED & DEFEATED

ATTACHED TO MINUTES OF Assembly Judiciary Committee
Thursday, 7 May 1981

Passed XX

ORIGINAL MOTION:

AMENDED & PASSED

AMENDED & PASSED

Withdrawn

Thursday, 7 May 1981

SUBJECT:	<u>AB 481</u> :	Makes vario regulating	us administrat juvenile corre	tive changes to ectional instit	law cutions.
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MOTION: DO P. RECO	ASS NSIDER	AMEND	INDEFINITELY DO PASS AS AN		
<b>WOAE</b>	D BY: MR	. SADER	SECONDED BY:	MR. THOMPSON	1
AMENDMENT	:				
MOVE:	D BY:		SECONDED BY:		
MOVE	D BY:		SECONDED BY:		- A
	MOTION		AMEND	AMEND	
VOTE:	YES NO	<u> Y</u>	ES NO	YES NO	
Malone Cafferata					**************************************
Ham Banner	<u>X</u> _				
TALLY:	9 1	-			\$7
ORIGINAL	MOTION:	Passed XX	Defeated	Withdraw	a

AMENDED & DEFEATED

AMENDED & DEFEATED

AMENDED & PASSED AMENDED & PASSED

DATE:

Thursday, 7 May 1981

AB 531: Requires semiannual judiciary hearings SUBJECT:

after placement of foster child.

MOTION: DO PASS AMEND XX RECONSIDER	INDEFINITELY	POSTPONE	
MOVED BY: MS. FOLEY	SECONDED BY:	MR. MALONE	
AMENDMENT:	-		
As recommended by Judge Mend bill.	oza during his	testimony on this	
MOVED BY:	SECONDED BY:	:	
AMENDMENT:		-	
	d .		
			3
MOVED BY:	SECONDED BY:		
YORTON			
MOTION	AMEND	AMEND	
VOTE: YES NO	YES NO	AMEND <u>YES</u> NO	
VOTE: YES NO Thompson X			
VOTE: YES NO Thompson X			
VOTE: YES NO Thompson X			
VOTE: YES NO Thompson X		YES NO	•
VOTE:         YES         NO           Thompson         X			•
VOTE:         YES         NO           Thompson         X	YES NO	YES NO	3
VOTE:         YES         NO           Thompson         X	YES NO	YES NO	•
VOTE:         YES         NO           Thompson         X	YES NO	YES NO	>
VOTE:         YES         NO           Thompson         X	YES NO	YES NO	•
VOTE:         YES         NO           Thompson         X	YES NO	YES NO	•
VOTE:         YES         NO           Thompson         X	YES NO	YES NO	•
VOTE:         YES         NO           Thompson         X	YES NO	YES NO	•

Thursday, 7 May 1981

DATE:

SUBJECT:	<u>AB 531</u> :	Requires semiannual judiciary hearings after placement of foster child.				
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MOTION: DO PARECON	ASS NSIDER	AMEND		TELY POST		
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AMENDMENT	•		•		2.	
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_	YES NO		YES NO	<u>Y</u> 1	ES NO	
Thompson Foley	$\frac{x}{x}$ —					
Beyer	X X X			_	<del>-</del> ,	
Price Sader	<u>X</u> —					5
Stewart	X			_	<del>-</del>	
Chaney	ABSENT					
Malone Cafferata	X ABSTAIN			_		
Ham	X					
Banner	X					
TALLY:	9 0					12
ORIGINAL 1	MOTION:	Passed XX	K Defeate	d	Withdrawn	

AMENDED & DEFEATED

AMENDED & DEFEATED

AMENDED & PASSED

Thursday, 7 May 1981						
AJR 33:	removing r	equirement	t that	proceeds of	by fines	
	e.	••		* .		
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SS XX SIDER	AMEND	INDEFIN	ITELY	POSTPONE		
BY: MR.	PRICE	SECONDE	D BY:	MR. BANNER		
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BY:		SECONDE	D BY.			
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BY:		SECONDE	D BY:		<u>.</u>	
MOTION		AMEND		AMEND		
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$\frac{x}{x}$						
<u>x</u> =					9	
$\frac{x}{x}$				<del></del> <del>;</del>	-	
	BY:  BY:  MOTION  ES NO  X  X	AJR 33: Proposes to removing a be devoted be devoted by:  SS XX AMEND SIDER BY: MR. PRICE  BY:  MOTION ES NO	AJR 33: Proposes to amend No removing requirement be devoted to permant be devoted to permant sides.  SS XX	AJR 33: Proposes to amend Nevada removing requirement that be devoted to permanent solvent sol	AJR 33: Proposes to amend Nevada Constitution removing requirement that proceeds of be devoted to permanent school fund.  SS XX	

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

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

AMENDED & DEFEATED \_\_\_\_

ABSENT

Chaney Malone Cafferata

Ham Banner TALLY:

Thursday, 7 May 1981

DATE:

SUBJECT: SB 13:	: SB 13: Adds supervised work as optional condition of probation or punishment for misdemeanor.					
		•				
MOTION: DO PASS XX RECONSIDER	AMEND INDEFINITE	CLY POSTPONE				
MOVED BY: MRS.	CAFFERATA SECONDED E	BY: MR. MALONE				
AMENDMENT:						
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MOVED BY:	SECONDED E					
AMENDMENT:	SECONDED E					
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		•				
MOVED BY:	SECONDED E	BY:				
MOTION	AMEND	AMEND				
VOTE: YES NO	YES NO	YES NO				
Thompson X Foley X Beyer X Price X Sader X						
Beyer X						
Price X Sader X		<del></del>				
Stewart X		<u> </u>				
Chaney ABSENT X						
Cafferata X						
Ham X X X X						
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ORIGINAL MOTION:	Passed XX Defeated	Withdrawn				

AMENDED & DEFEATED AMENDED & DEFEATED

AMENDED & PASSED

Thursday, 7 May 1981

MOTION:			i.						
	PASS _ >		AMEND .		INDEFINI	TELY	POSTPON	E	
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MOVI	ED BY:		0		SECONDED	BY:			
	MOTI				AMEND	BY:		END	
VOTE:	MOTI YES	 ои <u>ио</u>			AMEND	BY:	AM YES	END NO	
VOTE: Thompson	MOTI YES X		0-		AMEND	BY:			·
VOTE: Thompson Foley Beyer	MOTI YES X				AMEND	BY:			<u> </u>
VOTE: Thompson Foley Beyer Price	MOTI YES X				AMEND	BY:			·
VOTE: Thompson Foley Beyer Price Sader Stewart	MOTI YES _X _X _X _X _X _X _X	<u>NO</u>			AMEND	BY:			·
VOTE: Thompson Foley Beyer Price Sader Stewart Chaney	MOTI YES  X X X X X ABSI	<u>NO</u>			AMEND	BY:			·
VOTE: Thompson Foley Beyer Price Sader Stewart Chaney Malone	MOTI YES  X X X X X ABSI	<u>NO</u>			AMEND	BY:			
VOTE: Thompson Foley Beyer Price Sader Stewart Chaney Malone Cafferate	MOTI YES  X X X X X ABSI	<u>NO</u>	5		AMEND	BY:			·
VOTE: Thompson Foley Beyer Price Sader Stewart Chaney Malone	MOTI YES  X X X X X ABSI	<u>NO</u>			AMEND	BY:			

AMENDED & DEFEATED

ATTACHED TO MINUTES OF <u>Assembly Judiciary Committee</u>
Thursday, 7 May 1981

Thursday, 7 May 1981

DATE:

SUBJECT: SCR 27:			Requests provision	suprema	e cour ppeal	provide special robate matters.			
				•	•	*3	4		
	PASS 2		AMEND	INI	DEFINI	TELY	POSTPON	NE	
¥07	ED BY:	MR.	MALONE	SEC	CONDED	BY:	MRS. C	AFFERATA	
AMENDMEN'	T:							<u> </u>	_
	n <sup>33</sup>				<i>:</i>				Y <sub>10</sub>
MOV	ED BY:			SEC	ONDED	BY:	5		_
AMENDMEN'	r:								
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MOV	ED BY:			SEC	ONDED	BY:			<u>.</u> .
	MOTI	ON	-	AME	ND		AM	END	
VOTE:	YES	NO		YES	NO		YES	NO	
Thompson	X X X	_						_	
Foley Beyer	$\frac{X}{X}$							_	
Price	$\frac{\mathbf{x}}{\mathbf{x}}$				_			_	5
Sader	<u>X</u> .	_			_		37	_	٠,
Stewart	$\overline{\mathbf{x}}$				-			-	
Chaney Malone	ABSE	NT_			_			_	
nalone Cafferata					_			_	
Ham	X							_	
Banner	X	_						_	
TALLY:	10	0			-				7/4
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AMENDED & DEFEATED

AMENDED & DEFEATED

AMENDED & PASSED

Thursday, 7 May 1981

DATE:

SUBJECT:	AB 560:	Makes varion	ous admini on crimes	strative , deline	e char quency	nges con y and co	ncerning orrection
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OTION: DO P RECO	ASS NSIDER	AMEND XX	INDEFINI	TELY PO	STPON	E	
ΉΟΛΕ	D BY: MRS.	CAFFERATA	SECONDEI	BY: _ N	IR. MA	LONE	3.50
MENDMENT	:						
Amendmen Mr. Jack	nt 803 to i ka during l	AB 560 and this testimon	those amen ny on the	dments s	ugges	sted by	
MOVE	D BY:		SECONDEI	BY:			
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OTE:	YES NO		YES NO		YES	ио	
Chompson	<u>X</u> _						
Foley Beyer	<u>X</u>	•				_	
Price	<u>x</u> _	•				_	2
Sader	<u>X</u>	•	<del></del>			<del></del>	•
Chaney	ABSENT	•				<u> </u>	
Malone	<u>X</u>	•				_	
Cafferata	<u> </u>						
Ham Banner	<u>x</u> _					_	
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AMENDED & DEFEATED

AMENDED & DEFEATED

AMENDED & PASSED

DATE:	Thursday, 7 May 1	981		*3.					
SUBJECT:	AB 560: Makes various administrative changes concerning commission on crimes, delinquency and corrections.								
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MOTION: DO PA	ASS AMEND	INDEFINITELY DO PASS AS	POSTPONE AMENDED XX						
<b>MOAED</b>	BY: MR. MALONE	SECONDED BY:	MR. SADER						
AMENDMENT:									
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MOVED	) BY:	SECONDED BY:	#0						
AMENDMENT:				<del></del>					
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MOVED	BY:	SECONDED BY:	<u> </u>	<del></del> :					
	MOTION	AMEND	AMEND						
VOTE: Y	ES NO	YES NO	YES NO						
Thompson Foley	<del></del>								
Beyer	<del>*</del> -								
Price	<u>x</u>	17							
Stewart _	X _		-						
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ORIGINAL MOTION: Passed XX Defeated Withdrawn \_\_\_\_\_

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

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

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Cafferata

Banner

TALLY:

#### BILLS HEARD - NO ACTION TAKEN

- AB 52: Provides punishment for participation in a criminal syndicate. (amendments being drafted)
- AB 178: Requires game wardens to enforce additional criminal statutes. (action rescinded)
- ✓ AB 246: Adds to provisions for assignment of wages of responsible parent for child support.

3

- AB 269: Permits district attorney to refer person suspected of child abuse or neglect to social agency for treatment or counseling. (compare to AB 377)
- AB 286: Repeals provisions of law relating to criminal libel.
- <u>AB 306:</u> Changes monetary amount for jurisdiction of courts and conforms certain statutory provisions relating to jurisdiction.
- ∠ AB 339: Changes various provisions concerning municipal and justices' courts.
- AB 340: Provides procedure for fixing salaries of justices of peace and police judges.
  - AB 345: Enlarges functions of hearing division in department of administration. (Sub-Committee: Chaney, Sader, Ham)
- AB 386: Provides that prisoner sentenced to life with possibility of parole must serve minimum of 10 years in prison.
- AB 404: Amends various provisions relating to civil commitment of criminal offenders.
- AB 423: Changes reference to approving authority for excess fees to attorneys for indigents.
  - AB 425: Substantially revises procedure regarding incompetency of criminal defendants. (Sub-Committee: Sader, Foley)

- AB 432: Makes various revisions to law governing mobile home parks.
- AB 447: Revises procedures for providing compensation to certain victims of crimes. (Sub-Committee: Price, Sader) (Amendment voted)
  - AB 453: Permits court to inspect sealed records of juvenile offenders under certain circumstances.
  - AB 454: Requires additional notice when criminal defendant recovers competence for trial.
- AB 481: Makes various administrative changes to law regulating juvenile correctional institutions.
  - AB 531: Requires semiannual judiciary hearings after placement of foster child.
  - AJR 33: Proposes to amend Nevada Constitution by removing requirement that proceeds of fines be devoted to permanent school fund.
- SB 13: Adds supervised work as optional condition of probation or punishment for misdemeanor.
- SB 33: Empowers attorney general to prosecute gaming offenses under certain conditions.
- SB 253: Allows district attorney to assess fees against applicant for child support or establishment of paternity who is not indigent.
  - SB 321: Clarifies certain provisions of law relating to estates of decedents.
  - SB 354: Exempts department of parole and probation from requirements of Nevada Administrative Procedure Act.
  - SB 453:— Authorizes certain investment of surplus in trust fund for child welfare on behalf of child.
  - SCR 27: Requests supreme court to provide special provision for appeal in probate matters.