

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
February 19, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 9:00 a.m., Thursday, February 19, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Melvin D. Close, Chairman
Senator Keith Ashworth, Vice Chairman
Senator Don W. Ashworth.
Senator Jean E. Ford
Senator Sue Wagner

COMMITTEE MEMBERS ABSENT:

Senator William J. Raggio (Excused)
Senator William H. Hernstadt (Excused)

STAFF MEMBERS PRESENT:

Iris Parraguirre, Committee Secretary

The committee meeting on this date was a work session.

SENATE BILL NO. 13:

Adds supervised work as optional condition or punishment for misdemeanor.

Chairman Close stated S. B. No. 13 was being held for another bill which was coming through. Mr. Charles Wolff, Department of Prisons, stated he had no testimony to give on the bill.

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Chairman Close explained that the language in S. B. No. 13 came from another state which has already imposed the same program. Included in the bill must be agreement by the misdemeanant and provision for insurance. He stated Section 1, paragraph 1 means the judge can advise an individual he is going to put him on probation if he offers to do the required work. If he does not offer to do the work, the alternative is jail; however, the judge cannot make work a condition of probation.

Senator Don Ashworth explained if an individual did not offer to work, it would be involuntary servitude which is unconstitutional.

Regarding paragraph 3 on page 1, Senator Ford stated she had checked into the question of NIC and found if a unit of government has an NIC account they can pay into it for this kind of action for volunteer labor and consider it at the rate of \$100 per month salary.

Chairman Close stated he would have Mr. Daykin check into the NIC coverage and would also have him check the number of hours of work required for misdemeanants, line 22.

Chairman Close stated lines 10 through 12 on page 2 are in conflict with the rest of the bill and should be deleted. The committee agreed that section (d) on page 2 should be amended.

SENATE BILL NO. 13

Senator Ford moved to amend and Do Pass S. B. No. 13.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio and Hernstadt were absent for the vote.)

SENATE BILL NO. 28:

Creates committee to select sites and design for prisons.

Senator Wagner stated there has not been a hearing as yet on S. B. No. 28.

SENATE BILL NO. 36:

Relaxes requirements for assignment of prisoners to honor camps.

Senator Wagner stated there was a suggested recommendation on S. B. No. 36. Mr. Wolff said that in removing the assault, there

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was one line which would state there had not been an assault committed within the past year, which is under subsection (d). The information previously requested from Mr. Wolff regarding S. B. No. 36 is attached hereto as Exhibit C. In reply to Senator Wagner's question as to whether the restitution center is part of the Governor's budget, Mr. Wolff replied that both restitution centers and the honor camps are part of the budget.

Mr. Wolff stated the most common reason for persons walking away from restitution centers is getting involved in drinking. He said the reason there are fewer walkaways from the honor camps than the restitution centers is because there is more supervision at the honor camps.

SENATE BILL NO. 36

Senator Keith Ashworth moved to Do Pass and amend S. B. No. 36.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio and Hernstadt were absent for the vote.)

SENATE BILL NO. 29:

Extends program of restitution by certain offenders.

Senator Wagner explained that S. B. No. 29 was a bill that instituted the restitution centers because they expire by law on July 1, 1981. There were two changes. The first change on page 2 suggested the offender could voluntarily offer to make restitution where previously the offender could not. The other change was to allow the offender to put some of his wages in a prisoner personal property fund. The prison offered two suggestions, one of which was to change the definition of victim on page 1, line 9. The second amendment would be at the end of the bill which reads: "The center of restitution established pursuant to the statute may be used to board prisoners enrolled in a work-release program." Senator Wagner stated it should be amended to read, "if bed space is available."

SENATE BILL NO. 29

Senator Wagner moved to Do Pass S. B. No. 29 with the suggested amendments and refer to Finance.

Senator Don Ashworth seconded the motion.

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The motion carried unanimously. (Senators Raggio and
Hernstadt were absent for the vote.)

SENATE BILL NO. 37:

Aggregates slot machines in separate locations for determination
of license fees.

Senator Keith Ashworth stated the concept of S. B. No. 37 is
taking people off a flat rate and putting them on a percentage
rate.

Chairman Close stated the bill came exactly as the Gaming Control
Board recommended it and completely supported the concept of
imposing a gross tax on people who have more than 16 slot
machines.

SENATE BILL NO. 37

Senator Keith Ashworth moved that Senate Bill No. 37 be
indefinitely postponed.

Senator Don Ashworth seconded the motion.

The motion carried unanimously. (Senators Raggio and
Hernstadt were absent for the vote.)

SENATE BILL NO. 38:

Establishes annual salaries for members of Nevada gaming commission.

Senator Keith Ashworth moved to Do Pass and refer to Finance.

Senator Ford seconded the motion.

The motion carried unanimously. (Senators Raggio and
Hernstadt were absent for the vote.)

SENATE BILL NO. 71:

Requires payment of medical expenses of victim by defendant.

Senator Keith Ashworth moved that Senate Bill No. 71 be
indefinitely postponed.

Senator Don Ashworth seconded the motion.

The motion carried unanimously. (Senators Raggio and
Hernstadt were absent for the vote.)

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SENATE BILL NO. 73:

Provides for sentencing of misdemeanants to make restitution or perform certain work as alternative to punishment by fine or imprisonment.

Chairman Close explained that S. B. No. 73 is a companion bill to S. B. No. 13, which adds supervised work as optional condition or punishment for misdemeanor. He suggested making a fine a lien so it would not be necessary to go to civil court to collect money.

SENATE BILL NO. 73

Senator Keith Ashworth moved that S. B. No. 73 be indefinitely postponed.

Senator Don Ashworth seconded the motion.

The motion carried unanimously. (Senators Raggio and Hernstadt were absent for the vote.)

SENATE BILL NO. 140:

Changes membership of sanity commission.

Senator Wagner moved that S. B. No. 140 be indefinitely postponed.

Senator Keith Ashworth seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 185:

Requires notaries public to maintain record of official acts.

Senator Don Ashworth suggested the bill be amended to allow a notary to act anywhere in the state, NRS 240.030.

SENATE BILL NO. 185

Senator Don Ashworth moved to amend and Do Pass S. B. No. 185.

Senator Wagner seconded the motion.

The motion carried. (Senator Keith Ashworth voted to "abstain." Senators Raggio and Hernstadt were absent for the vote.)

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SENATE BILL NO. 183:

Reestablishes Nevada racing commission and reenacts and amends Nevada Racing Act.

Chairman Close suggested discussion on S. B. No. 183 be postponed until the other two committee members are present.

Senator Keith Ashworth stated he felt a commissioner should be able to run his own horse in a race unless he was the commissioner of record for that race. He indicated the state of Kentucky requires that the commissioners race horses before they are able to become eligible for the racing commission.

Senator Wagner felt the same conditions should apply to dog racing that apply to horse racing.

SENATE BILL NO. 33:

Empowers attorney general to prosecute gaming offenses under certain conditions.

Senator Ford stated she could see nothing wrong with the bill the way it is now written.

Chairman Close explained that the Attorney General is the chief law enforcement officer of the state and the sub-committee felt he was the person who should decide whether or not a violation should be processed.

The current law provides that the commission shall initiate proceedings but it is not the commission which initiates proceedings but rather the Attorney General. Whoever has to prosecute a case should be able to decide whether to prosecute stated Chairman Close.

Senator Ford stated she felt prosecution should be initiated by the gaming commission or board and then if the District Attorney does not act, the Attorney General should be able to prosecute. In the event of a violation, there should be some action taken immediately instead of waiting until the next meeting date.

Chairman Close stated he would contact Richard Bunker to clarify how complaints are handled and what process is followed.

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SENATE BILL NO. 34:

Authorizes disclosure of gross revenue of gaming establishments to certain local governments.

S. B. No. 34 is tied in with another bill which industry is requesting and is not out as yet.

SENATE BILL NO. 149:

Revises provisions relating to abuse and neglect of children.

Chairman Close stated S. B. No. 149 would be considered when the entire committee was present.

SENATE BILL NO. 150:

Replaces "and/or" with an appropriate term in Nevada revised statutes.

Following a brief discussion, Senator Wagner moved to Do Pass S. B. No. 150 and put on consent calendar. Senator Ford seconded the motion. The motion carried, however, Senator Keith Ashworth and Senator Don Ashworth voted "no" to the bill being placed on the consent calendar. A second motion was made, as follows:

SENATE BILL NO. 150

Senator Wagner moved to Do Pass.

Senator Ford seconded the motion.

The motion carried unanimously.

Chairman Close stated the agenda is current though March 3, 1981.

The following Bill Drafting Requests were presented and received for committee introduction:

BDR NO. 18-782 (S.B. 354)

Exempts the parole and probation from administrative procedures act.

The BDR was rejected and returned to Senator Wagner.

BDR NO. 40-703 (S.B. 272)

Permits imposition of fine where imprisonment is suspended for certain first offenders possessing controlled substances.

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BDR No. 40-703 came from Judge Thompson in Las Vegas, was introduced by Senator Raggio and the committee agreed to introduce it.

BDR NO. 16-649 (S.B. 271)

Provides punishment for racketeering activities.

BDR NO. 7-693 (S.B. 270)

Permits persons to register their willingness to serve as resident agents of foreign corporations with secretary of state.

BDR NO. 39-555

Allows certified psychologists to make determinations concerning sanity or mental health of persons for certain statutory purposes.

The committee agreed not to introduce BDR No. 39-555 and it was returned to Senator Wilson.

Senator Keith Ashworth moved that the minutes of the meetings of February 3 and 4, 1981 be approved.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

There being no further business, the meeting was adjourned at 10:45 a.m.

Respectfully submitted by:


Iris Parraguirre, Secretary

APPROVED BY:


Senator Melvin D. Close, Chairman

DATE: 2-24-81

* Attached, but not discussed, are Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H, and Exhibit I

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213.

Day Thursday, Date February 19, Time 9:00 a.m.

WORK SESSION

NEVADA DEPARTMENT OF PRISONS
WALK AWAYS FROM HONOR CAMPS, 1980

SB 36
EXHIBIT C

<u>NAME</u>	<u>NUMBER</u>	<u>ORIGINAL CRIME</u>	<u>STATUS</u>	<u>CRIME COMMITTED WHILE ON WALK-AWAY STATUS - YES/NO - CRIME</u>
Reihl, Robert	14829	Poss. Cont. Substance	In Custody	No
Woodrick, Franklin	12133-A	Att. Poss. Stolen Prop.	In Custody	No
Kayfez, Michael	13542	Extortion	In Custody	No
Farina, Larry	13442	Burglary	In Custody	Yes - Burglary
Bettis, Edgar	12865	Bomb Threat cc Att. Extor.	At Large	
Meek, Marvin III	13988	Attempt Grand Larceny	At Large	

LCIC

Koch, Barry	15014	Poss. Cont. Substance	In Custody	No
Klempt, Michael	14660	Embezzlement	In Custody	No

Prepared: 1/30/81

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NEVADA DEPARTMENT OF PRISONS
WALK AWAYS FROM RESTITUTION CENTERS, 1980

NNCC

<u>NAME</u>	<u>NUMBER</u>	<u>ORIGINAL CRIME</u>	<u>STATUS</u>	<u>CRIME COMMITTED WHILE ON WALK AWAY STATUS - YES/NO - CRIME</u>
Renner, Edward	14412	Poss. of Stolen Crd. Card	In Custody	No
Kane, John	12398	Robbery	In Custody	No
Tolbert, Earl	14848	Lar. from Per. not Amt. to Robbery	In Custody	No
Watkins, Howard	12699-A	Unat. Sign. on Crd. Card Sales Slip	In Custody	No
White, Larry	14800	Robbery	In Custody	Yes - Robbery
* Rowell, Donald	12300	Sale Cont. Sub./cc/Furn. Cont. Subst.	At Large	
Booten, Hudson	14648	Att. Pass. of Bad Check	In Custody	Yes - Embezzlement
Walker, Glen	10635-D	Burglary	In Custody	Yes - Robbery with Use Deadly Weapon
Wagner, Ronald	15217	Attm. Embezzlement	At Large	

SNRC

Claver, Robert	14762	Iss. of Check without Suff. Funds with Int. to Defraud	In Custody	No
Campbell, Daniel	14095	Burg./cc/Burg./cc/Burglary	In Custody	No
Walker, Clarence	13045	Burg./cc/Burglary	In Custody	No
Krietz, William	14922	Burglary	At Large	
Moore, Jack	15110	Attempted Forgery	At Large	
Huynh, Quy Hgoc	15369	For./cc/Utt. Forg. Inst.	At Large	
* Johnson, Oliver	15390	Burglary	At Large	
Sparks, Michael	14090	Sale Cont. Substance	At Large	
Maricola, Ronald	13934-T	Bur. (3 cts)/cc/Grand Theft (3 cts) INTERSTATE TRANSFER	At Large	

* Includes those who walked away from inside the restitution centers.

Prepared 1/30/81

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TYPICAL JOBS HELD BY PERSONS ASSIGNED
TO RESTITUTION CENTER
RENO

Food runners - MGM (2)
Asst. Chief Steward - Sahara Reno (1)
Heavy Equipment Operator (2)
Truck Drivers (1)
Used Car Salesman (1)
Dishwasher (1)
Yard Man, Nevada Scrap & Salvage (1)
Layout Man for Showtime Magazine (1)
CETA (2)
Cook (1)
Delivery Driver (1)
Capital Scaffolding (1)
Unemployed at present time (4)

1/29/81

NEVADA DEPARTMENT OF PRISONS
NUMBER OF PERSONS RECEIVED AT RESTITUTION CENTERS
PREPARED JANUARY 29, 1981

NNRC Opened 10/79

Total received: 83 (2 were received twice but only counted once)

of those: 11 walked away (1 in 1979 and 1 in 1981)

26 paroled or expired

24 returned to NNCC and NSP

22 in-house as of 1/29/81

SNRC Opened 4/80

Total received: 67

of those: 10 walked away (1 in 1981)

12 paroled

22 returned to SNCC and NNCC

23 in-house as of 1/26/81

RESIDENT AGREEMENT

You have been selected for participation in the restitution center program. The Department of Prisons and restitution center reserves the right to terminate the program and return residents to an institution. Your status as an inmate in a Nevada State Prison has not changed. Supervisory control is vested in the restitution center staff for all aspects of your program while you are a resident of the center. Wages earned by you during your stay in the center will be paid directly from the employer to the Department of Prisons. You will be charged room and board and may be charged transportation and other expenses, including family support. The following agreement outlines conditions of your participation in the restitution center.

1. I will not enter into any civil contract or incur any indebtedness. Purchases will not be made through the employer. I will not borrow any monies and am not permitted to have any withholdings made from wages for bonds or other purposes such as draws or advances.
2. I understand that all monies earned or received while assigned to the restitution center are to be paid directly to the Department of Prisons.
3. I agree that all disbursements from wages and trust accounts will be made as by prior agreement.
4. I agree to notify the center immediately upon discharge, lay-off, or termination of employment.
5. I will not change my place of employment without approval from the field supervisor.
6. I will not ride in any private motor vehicle without express consent of center staff.
7. I agree to travel directly by approved method of transportation and return promptly to the restitution center without unauthorized stops or detours. Failure to report at a scheduled time or failure to return to the restitution center at the scheduled time may be considered an escape for which I may be disciplined and/or prosecuted.
8. I will abide by all rules and regulations set forth in my program and by the restitution center.
9. I will not have in my possession alcohol or use any narcotic, dangerous or hallucinogenic drug, including marijuana, barbiturates, LSD, nor will I be intoxicated from the use of any items, products or beverages. I agree to participate in alcohol or drug therapy or take ant abuse, if so stipulated as part of my program.
10. I will not be in possession of, or use any firearm, dangerous weapon, or article deemed contraband by the staff of the restitution center or the Department of Prisons.

11. I will abide by all rules and regulations set forth by the restitution center authorities.
12. I will conduct myself properly at all times while a resident of the restitution center.
13. I understand that the Department of Prisons and/or the restitution center assumes no responsibility for loss of personal property while I am a resident of the center.

Acknowledgement: I have read (have had read to me) the above agreement and it has been discussed with me by the restitution center staff. I understand that any deviation may result in my removal from the restitution center program and possible legal action.

DATE

SIGNED

WITNESS

DEPARTMENT OF PRISONS
RESTITUTION CENTERS
ROOM AND BOARD AGREEMENT

Each resident is required to pay room and board upon securing employment or upon the fifteenth (15th) day of residency, whichever occurs earlier.

I hereby agree to pay \$ _____ per day of residency, payment to be rendered each payday. I further understand that this obligation has first priority on moneys earned.

Entered into this _____ day of _____, 19____.

WITNESS

RESIDENT SIGNATURE

RESTITUTION CENTER
DISPOSITION OF EARNINGS AGREEMENT

You have listed _____
as a dependent for whom you wish to send a portion of your earnings.
Please indicate in the space provided below the amount you wish to
send each week. If your dependent is receiving welfare assistance,
you must send the amount the Welfare Department considers to be
their need.

I wish to send \$ _____ each week from my earnings to:

Name

Address

City, State, and Zip Code

Date

Signature

RESTITUTION SCHEDULE AND AGREEMENT

NAME..... SENTENCE DATE.....

CODEFENDANT(s) (if any).....

.....

\$.....Total restitution to be paid in conjunction with codefendant(s) (if any)

\$.....Total restitution to be paid by RESIDENT

List victims(s) and addresses (prorate dollar amounts if more than one defendant)

.....\$.....

.....\$.....

.....\$.....

.....\$.....

.....\$.....

.....\$.....

.....\$.....

.....\$.....

\$.....

I hereby agree to make \$ _____ payments on my VICTIM'S restitution in the amount of \$ _____, said payment to begin _____ and to be paid until paid in full.

DATE.....

Witness _____

..... Resident's Signature

Regulation of ...
 Restrictive ...
 Average Population - Actual ...
 (John) ... 31.1980

COLL. WRITE

		Average Population		Actual Population	
		NNRC (Per)	SNRC (Per Year)	NNRC (Per)	SNRC (Per Year)
1	(12.17) October, 1979	4	—	60	—
2	November	5	—	145	—
3	December	7	—	211	—
4	January, 1980	9	—	270	—
5	February	11	—	326	—
6	March	14	—	404	—
7	April	15	4	439	97
8	May	16	7	487	224
9	June	16	8	477	244
10	JULY 1980	17	7	2869	565
11					
12	July 1980	19	10	595	312
13	August	23	12	724	365
14	September	21	13	634	383
15	October	17	16	527	425
16	November	15	11	457	328
17	December	20	17	616	542
18		19	13	3553	2419

Regulation of ...
 Cost Per ...
 \$1.50

	NNRC		SNRC		
	Actual	Per Day	Actual	Per Day	
26	Salaries	119,276	4171	50,589	2,954
27	Operating	41344	1441	34468	6100
28	Equipment	15227	546	24455	4330
29	Total	175847	6158	109522	19384
30	Less Revenue	19345	674	2205	390
31	Net Cost	\$157322	5484	\$107317	18994

Regulation of ...
 Cost Per ...
 Actual ... 31.1980

35	Salaries	\$ 74325	\$ 2148	\$ 67201	\$ 2778
36	Operating	33425	941	32817	1357
37	Total	109770	3089	100018	4135
38	Less Revenue	20337	572	11537	479
39	Net Cost	\$ 89433	2517	\$ 88481	3656

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MONTH	GROSS EARNINGS	F I T	F I C A	NET EARNINGS	RESTITUTION	ROOM & BOARD	FAMILY SUPPORT	CLOTHING & TOOLS	PERSONAL EXPENSE	HOURS WORKED	AVERAGE WAGE	# of RESID.
APRIL	2217 ¹¹	150 ⁶⁶	148 ⁹¹	1875 ⁵³		600 ⁰⁰			300 ⁰⁰	603 ²	3 ⁶²	4.
May	3666 ⁵¹	361 ⁵⁰	189 ⁴⁶	3075 ⁵¹	400 ⁰⁰	1380 ⁰⁰			535 ⁰⁰	931 ²	3 ²³	8
JUNE	3634 ⁴⁰	331 ⁶²	178 ⁶⁵	3115 ⁷⁸	575 ⁰⁰	1567 ⁵⁰			605 ⁰⁰	832 ⁴	4 ³⁸	11
July	5698 ⁵²	478 ⁶⁴	323 ⁴²	4668 ⁴⁶	700 ⁰⁰	2070		40 ⁰⁰	865 ⁰⁰	1385	4 ⁴	12
August	5081 ⁹²	322 ⁸³	239 ⁸²	4476 ²²	525 ⁰⁰	2092 ⁵⁰		118 ³²	835 ⁰⁰	1215 ³	4 ¹³	13
SEPTEMBER	7446 ⁷⁰	1149 ⁶⁰	404 ⁶⁴	6390 ⁷¹	633 ⁷⁰	2210 ⁰⁰		130 ⁰⁰	880 ⁰⁰	1428 ⁵	4 ²⁵	11
OCTOBER	8905 ¹⁹	986 ³⁰	502 ⁶⁰	7254 ⁵³	661 ⁴⁰	3120 ⁰⁰		150 ⁰⁰	1520 ⁰⁰	1895 ⁵	4 ⁴⁰	16
NOVEMBER	6852 ²²	706 ⁹²	402 ⁷¹	5742 ⁵¹	775 ⁰⁰	2235 ⁰⁰		120 ⁰⁰	810 ⁰⁰	1524 ²	4 ⁴⁹	12
DECEMBER	5846 ¹²	460 ²²	312 ⁸²	5122 ³⁹	575 ⁰⁰	3397 ⁵⁰		100 ⁰⁰	795 ⁰⁰	1087 ⁵	5 ⁷²	23
TOTAL	49352 ⁰³	4288 ⁴⁶	2703 ⁰¹	41722 ²³	4845 ¹⁰	18672 ⁵⁰		658 ³²	7195 ⁰⁰	10904 ²⁵	4 ³³	55

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MONTH	GROSS EARNINGS	FIT	FICA	NET EARNINGS	RESTITUTION	TRANSPORT FROM BOARD
OCT-NOV 79	5,246.97	516.85	229.69	2,500.43	635.19	12.72.00
DEC 79	4,729.46	573.51	197.16	2,890.99	910.42	1335.00
JAN. 80	5,373.19	666.49	221.70	4,385.00	750.00	1837.50
FEB. 80	6,189.26	613.23	293.02	5,254.93	1250.00	2027.00
MAR. 80	8,072.42	877.07	459.51	6,727.76	1809.34	2819.00
APRIL 80	9,044.26	1019.72	724.43	7,425.12	1389.22	2956.00
MAY 80	12,350.81	1,489.86	693.36	10,135.75	1570.00	3,396.50
JUNE 80	11,131.93	1,446.87	676.23	9,135.53	1,833.00	3,382.50
JULY 80	11,557.91	1,440.78	666.71	9,449.60	1,575.00	4,012.00
AUG 80	19,919.17	2,708.59	1,060.43	15,764.84	1,683.42	5,115.00
SEPT. 80	14,193.16	1,560.46	851.19	11,346.35	1,489.77	4,597.50
OCT 80	14,561.05	1,605.93	919.45	11,795.88	1,278.00	3,770.00
NOV. 80	6,824.77	481.87	344.44	5,695.50	630.00	3,090.00
DEC 80	8,135.34	799.79	483.10	6,852.45	790.50	3,458.50
TOTAL TO DATE	137,329.75	15,801.09	7,810.72	110,404.21	17,593.86	43,048.50

4/16

S. B. 13

SENATE BILL NO. 13—SENATOR CLOSE

JANUARY 20, 1981

Referred to Committee on Judiciary

SUMMARY—Adds supervised work as optional condition of probation or punishment for misdemeanor. (BDR 14-334)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to judgments in criminal cases; adding supervised work as an optional condition of probation or as punishment for a misdemeanor; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

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

3 1. *The court may offer to the defendant, as a condition of probation*
4 *in addition to any other conditions of probation, that the defendant be*
5 *required to perform supervised work under authority of a town, city*
6 *or county, or other political subdivision or agency of the State of*
7 *Nevada, or under the authority of a charitable organization that renders*
8 *service to the community or its citizens.*

9 2. *Supervised work in service to the community may not be required*
10 *as a condition of probation unless the defendant agrees to perform the*
11 *work offered as a condition of his probation.*

12 3. *The court may require a defendant who agrees to perform work*
13 *pursuant to this section to deposit with the court a reasonable fee to*
14 *obtain policies of liability insurance to cover the period during which*
15 *the defendant will perform the work.*

16 4. *The following conditions apply to the work which may be*
17 *required of the defendant:*

18 (a) *The court must fix the period of work that is imposed as a condi-*
19 *tion of probation and distribute the period over weekends or over other*
20 *appropriate times that will allow the defendant to continue at his employ-*
21 *ment and to care for his family. The period of work fixed by the court*
22 *must not exceed a total of 80 hours.*

23 (b) *A supervising authority listed in subsection 1 must agree to accept*

1 *the defendant for supervised work in service to the community before*
2 *the court may require him to perform work for that supervising authority.*
3 *The supervising authority must be located in or be the town or city of*
4 *the defendant's residence, if possible. If it is not possible to place the*
5 *defendant with a supervising authority that is located in the town or city*
6 *of his residence, the court may require the defendant to perform work*
7 *for a supervising authority that is located within the jurisdiction of the*
8 *court or, if that placement is not possible, to perform work for a super-*
9 *vising authority that is not within the jurisdiction of the court.*

10 (c) *A court shall not require a defendant to perform work for a super-*
11 *vising authority that is not reasonably near the location at which the*
12 *offense occurred or near the town, city or county of the defendant's*
13 *residence.*

14 (d) *Work that a court requires under this section must be supervised*
15 *by an official of the supervising authority or by a person designated by*
16 *the supervising authority. The official or designated person must be*
17 *qualified for the supervision by education, training or experience and*
18 *he shall periodically report, in writing, to the court and to the defendant's*
19 *probation officer concerning the conduct of the defendant in performing*
20 *the work.*

21 SEC. 2. NRS 193.150 is hereby amended to read as follows:

22 193.150 [Every] 1. *Except as provided in subsection 2, every*
23 *person convicted of a misdemeanor shall be punished by imprisonment*
24 *in the county jail for not more than 6 months, or by a fine of not more*
25 *than \$500, or by both fine and imprisonment, unless the statute in force*
26 *at the time of commission of such misdemeanor prescribed a different*
27 *penalty.*

28 2. *As an alternative to punishment by fine or imprisonment, a person*
29 *convicted of a misdemeanor may be sentenced to a fixed period of*
30 *supervised work in service to the community, if he so requests and*
31 *under the conditions provided in section 1 of this act for probation.*

S. B. 36

SENATE BILL NO. 36—COMMITTEE ON JUDICIARY

JANUARY 21, 1981

Referred to Committee on Judiciary

SUMMARY—Relaxes requirements for assignment of prisoners to honor camps. (BDR 16-58)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to prisons; relaxing the requirements for the assignment of prisoners to honor camps; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 209.481 is hereby amended to read as follows:
2 209.481 1. The director shall not assign any prisoner to an honor
3 camp which is established for conservation projects if the prisoner:
4 (a) Is not eligible for parole or release from prison within a reason-
5 able period of time;
6 (b) Has recently committed a serious infraction of the rules of an insti-
7 tution of the department of prisons;
8 (c) Has not performed the duties assigned to him in a faithful and
9 orderly manner; or
10 (d) ~~Has committed an assault upon any person; or~~
11 (e) ~~Has attempted to escape or has escaped from an institution of~~
12 the department of prisons.
13 2. The director shall, by regulation, establish procedures for classify-
14 ing and selecting qualified prisoners.

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

S. B. 29

SENATE BILL NO. 29—SENATORS WAGNER,
FAISS, GETTO AND ECHOLS

JANUARY 21, 1981

Referred to Committee on Judiciary

SUMMARY—Extends program of restitution by certain offenders. (BDR 16-60)
FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the department of prisons; authorizing the establishment of centers for restitution; providing a procedure for determining restitution and for its payment by offenders to the victims of their crimes; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 209 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this act.
3 SEC. 2. *As used in sections 2 to 13, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3 and*
5 *4 of this act have the meanings ascribed to them in those sections.*
6 SEC. 3. *“Dependent” means a person who was wholly or partially*
7 *dependent upon the income of a deceased person at the time of his death.*
8 *The term includes the child of the deceased person born after his death.*
9 SEC. 4. *“Victim” means:*
10 1. *A natural person, governmental agency, unincorporated associa-*
11 *tion or business organization which is physically injured or otherwise*
12 *suffers any damages as a direct result of a criminal act for which the*
13 *offender is incarcerated.*
14 2. *The spouse, children and dependents of a natural person who is*
15 *killed or is injured or suffers damages as described in subsection 1.*
16 SEC. 5. *The director may:*
17 1. *With the approval of the board, establish centers to house offend-*
18 *ers within a community so they may work to earn wages with which to*
19 *make restitution to the victims of their crimes.*
20 2. *If space is available, assign to the center an offender participating*
21 *in a work or educational release program.*

1 SEC. 6. *The director may assign an offender to a center for the pur-*
2 *pose of making restitution only if:*

3 1. *The offender requests the assignment;*

4 2. *The director determines that the offender is suitable for the assign-*
5 *ment;*

6 3. *A victim files a claim for restitution from the offender which the*
7 *director determines is valid or the offender voluntarily offers to make*
8 *restitution to a victim of his crime and the director determines that resti-*
9 *tution can be made to that victim; and*

10 4. *The offender makes an assignment to the department of his wages*
11 *earned while at the center.*

12 SEC. 7. *The director shall determine a fixed amount to be deducted*
13 *from the wages of each offender assigned to a center to offset in part the*
14 *cost of providing the offender with housing, meals and medical and den-*
15 *tal services at the center.*

16 SEC. 8. 1. *Any victim may file a claim for restitution with the direc-*
17 *tor at any time while the offender is incarcerated. No action may be*
18 *taken upon the claim until:*

19 (a) *The offender has requested assignment to a center of the depart-*
20 *ment; and*

21 (b) *The director has determined that the offender is suitable for that*
22 *assignment.*

23 2. *If the victim is a minor, the claim may be made on his behalf by a*
24 *parent or guardian. If the victim is mentally incompetent, the claim may*
25 *be made on his behalf by a parent, guardian or other person authorized*
26 *to administer his estate.*

27 3. *After an offender has requested an assignment to a center and is*
28 *determined to be suitable for assignment, the director shall determine:*

29 (a) *The validity of all claims for restitution from the offender; or*

30 (b) *If no claim has been filed and the offender has voluntarily offered*
31 *to make restitution to a victim, whether restitution can be made to that*
32 *victim.*

33 SEC. 9. *Once the director determines that a claim for restitution is*
34 *valid or, absent a claim, that restitution voluntarily offered by the offender*
35 *can be made, the director shall attempt to negotiate and enter into an*
36 *agreement with the offender which provides for an assignment to the*
37 *department of all wages which the offender earns while at the center:*

38 1. *To make restitution payments to the victims of any crime for which*
39 *the offender is incarcerated;*

40 2. *To reimburse the department in part for its costs in providing the*
41 *offender housing, meals and medical and dental services at the center;*
42 *and*

43 3. *For his own account to the prisoners' personal property fund.*
44 *The agreement must contain a schedule of restitution payments to be*
45 *made to all victims of crimes for which the offender is incarcerated who*
46 *have filed valid claims with the director or, absent any claims, to whom*
47 *the director determines restitution voluntarily offered by the offender can*
48 *be made. The payments may be made subject to such terms as the direc-*
49 *tor deems advisable.*

1 SEC. 10. *In determining the total restitution which may fairly be*
2 *awarded to a victim, the director shall, to the extent possible, consider:*

3 1. *The following which were actually and reasonably incurred as a*
4 *direct result of the crime:*

5 (a) *Medical expenses, including expenses for psychiatric treatment.*

6 (b) *Expenses for any nonmedical remedial care or treatment, including*
7 *psychological treatment.*

8 (c) *Funeral expenses.*

9 (d) *Loss of earnings or financial support.*

10 (e) *Damage to or loss of real or personal property.*

11 (f) *Any other economic loss suffered by the victim.*

12 2. *Loss of companionship and the pain and suffering of the victim.*

13 3. *Any payments the claimant has already received or is legally*
14 *entitled to receive as a direct result of the injury, loss or death upon which*
15 *his claim is based.*

16 4. *Any conduct of the injured victim or the deceased which con-*
17 *tributed directly or indirectly to his injury, loss or death.*

18 SEC. 11. *If an offender has been convicted of a criminal act with*
19 *respect to which a claim for restitution is based, proof of that conviction*
20 *is conclusive evidence that the offense has been committed, unless an*
21 *appeal or any proceeding with regard to the conviction is pending.*

22 SEC. 12. *Payments of restitution must terminate:*

23 1. *If the offender is reassigned to another institution of the depart-*
24 *ment which is not a center;*

25 2. *When the offender is released from prison, except that the pay-*
26 *ments may be continued as a condition of parole; or*

27 3. *When the victim has received the full amount to which he is*
28 *entitled under the agreement,*
29 *whichever occurs first.*

30 SEC. 13. 1. *The director shall arrange for all earnings of an offender*
31 *assigned to a center to be paid directly from the employer of the offender*
32 *to the department.*

33 2. *The department shall:*

34 (a) *First, deduct the amount for housing, meals and medical and dental*
35 *services determined under section 7 of this act;*

36 (b) *Second, distribute any amount required by the schedule of restitu-*
37 *tion payments; and*

38 (c) *Third, deposit any remainder to the offender's account in the pris-*
39 *oners' personal property fund.*

S. B. 38

SENATE BILL NO. 38—COMMITTEE ON JUDICIARY

JANUARY 21, 1981

Referred to Committee on Judiciary

SUMMARY—Establishes annual salaries for members of Nevada gaming commission. (BDR 41-196)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to gaming; establishing annual salaries for the chairman and other members of the Nevada gaming commission; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 463.026 is hereby amended to read as follows:
2 463.026 1. [The members of the commission shall each receive as
3 compensation \$40 for each day actually employed on the work of the
4 commission.
5 2. In addition to the compensation provided for in subsection 1, the
6 chairman of the commission shall receive an annual salary of \$500.
7 3.] *The chairman of the commission is entitled to an annual salary*
8 *of \$15,000. Each of the other members is entitled to an annual salary of*
9 *\$12,500.*
10 2. In addition to [such] his salary, each member [shall be] is
11 entitled to reimbursement for necessary travel and per diem expenses
12 in the manner provided by law.

S. B. 185

SENATE BILL NO. 185—SENATOR KEITH ASHWORTH

FEBRUARY 4, 1981

Referred to Committee on Judiciary

SUMMARY—Requires notaries public to maintain record of official acts. (BDR 19-137)

**FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.**

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to notaries public; requiring a record be made of all official acts; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 **SECTION 1.** Chapter 240 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 1. *A notary public shall keep a sequential journal of all official acts*
4 *performed as a notary public. The journal is in addition to any copies of*
5 *notarized documents which may be in the possession of the notary public*
6 *and must include:*

7 (a) *Date, time and type of each official act.*

8 (b) *Character of every instrument acknowledged or proved before the*
9 *notary public.*

10 (c) *The signature of each person whose signature is being notarized.*

11 (d) *The type of information used to verify the identity of the parties*
12 *whose signatures are being acknowledged.*

13 (e) *The fee charged for the notarial service.*

14 2. *The notary public shall supply a copy of any journal entry upon*
15 *request. The request must be written and include the name of the parties,*
16 *the type of document, and the month and year in which it was notarized.*

17 **SEC. 2.** NRS 240.100 is hereby amended to read as follows:

18 240.100 1. The fees of notaries public in counties polling 800 votes
19 or less and in counties polling over 800 votes at the last general election
20 shall be as follows:

	800 Votes or Less	Over 800 Votes
21		
22		
23		
24		
25		
26		
	For drawing and copying every protest for the nonpayment of a promissory note, or for the nonpayment or nonacceptance of a bill of exchange, draft or check.....	\$2.00 \$2.00

		800 Votes or Less	Over 800 Votes
1			
2			
3			
4	For drawing and serving every notice of non-		
5	payment of a promissory note, of the		
6	nonpayment or nonacceptance of a bill		
7	of exchange, order, draft or check.....	\$1.00	\$1.00
8	For drawing an affidavit, deposition or other		
9	paper, for which provision is not made		
10	in this chapter, for each folio.....	.30	.20
11	For taking an acknowledgment or proof of a		
12	deed or other instrument, to include the		
13	seal and the writing of the certificate, for		
14	the first signature.....	1.00	1.00
15	For each additional signature.....	.50	.50
16	For administering an oath or affirmation.....	.25	.25
17	For every certificate, to include writing the		
18	same and the seal.....	.50	.50
19	For supplying a copy of a journal entry, for		
20	each copy.....	1.00	1.00
21	2. All fees prescribed in this section [shall be] are payable in		
22	advance, if demanded.		

SEC. 3. NRS 240.120 is hereby repealed.

S. B. 150

**SENATE BILL NO. 150—COMMITTEE ON
LEGISLATIVE AFFAIRS**

JANUARY 30, 1981

Referred to Committee on Judiciary

SUMMARY—Replaces "and/or" with an appropriate term in Nevada Revised Statutes. (BDR 17-285)

**FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.**

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the diction of Nevada Revised Statutes; replacing "and/or" with an appropriate term; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 21.025 is hereby amended to read as follows:
2 21.025 A writ of execution issued on a judgment for the recovery
3 of money **[shall]** *must* be substantially in the following form:
4 (Title of the Court)
5 (Number and abbreviated title of the case)

EXECUTION

THE PEOPLE OF THE STATE OF NEVADA:

6
7
8 To the sheriff of County.
9 Greetings:
10 On, 19....., a judgment was entered by
11 the above-entitled court in the above-entitled action in favor of
12 as judgment creditor and against
13 as judgment debtor for
14 \$..... principal,
15 \$..... attorney fees,
16 \$..... interest, and
17 \$..... costs, making a total amount of
18 \$..... the judgment as entered, and
19 **WHEREAS, according to an affidavit **[and/or]** or a memorandum**

1 of costs after judgment, or both, filed herein, it appears that further
 2 sums have accrued since the entry of judgment, to wit:
 3 \$..... accrued interest, and
 4 \$..... accrued costs, together with \$..... fee, for the
 5 issuance of this writ, making a total of
 6 \$..... as accrued costs, accrued interest and fees.
 7 Credit must be given for payments and partial satisfactions in the amount
 8 of

9 \$.....
 10 which is to be first credited against the total accrued costs and accrued
 11 interest, with any excess credited against the judgment as entered,
 12 leaving a net balance of
 13 \$.....
 14 actually due on the date of the issuance of this writ, of which
 15 \$.....
 16 bears interest at 7 percent per annum, in the amount of \$..... per
 17 day, from the date of judgment to the date of levy, to which must be
 18 added the commissions and costs of the officer executing this writ.

19 NOW, THEREFORE, SHERIFF OF COUNTY,
 20 you are hereby commanded to satisfy [such] this judgment with interest
 21 and costs as provided by law, out of the personal property of [such] the
 22 judgment debtor, except that for any pay period, 75 percent of the dis-
 23posable earnings of [such] the debtor during [such] this period, or the
 24 amount by which his disposable earnings for [such] this period exceed
 25 30 times the minimum hourly wage prescribed by section 6(a)(1) of
 26 the federal Fair Labor Standards Act of 1938 and in effect at the time
 27 the earnings are payable, whichever is greater, is exempt from any levy
 28 of execution pursuant to this writ, and if sufficient personal property
 29 cannot be found, then out of the real property belonging to [such] the
 30 debtor in the aforesaid county, and make return to this writ within not
 31 less than 10 days nor more than 60 days endorsed thereon with what
 32 you have done.

33 Dated: This day of, 19.....
 34 Clerk.
 35 By....., Deputy Clerk.

36 SEC. 2. NRS 128.080 is hereby amended to read as follows:
 37 128.080 The notice [shall] must be in substantially the following
 38 form:
 39 In the Judicial District Court of the State of Nevada,
 40 in and for the County of
 41 In the matter of parental rights
 42 as to, a minor.

43 NOTICE
 44 To, the father [and/or] or, the
 45 mother of the above-named person; or, to the father [and/or, and
 46 mother of the above-named person, and to all persons claiming to be
 47 the father [and/or] or mother of [such] this person; or to
 48, related to the above-named minor as

49 You are hereby notified that there has been filed in the above-entitled
 50 court a petition praying for the termination of parental rights over the

1 above-named minor person, and that the petition has been set for hear-
2 ing before this court, at the courtroom thereof, at _____, in
3 the County of _____, on the _____ day of _____,
4 19____, at _____ o'clock _____m., at which time and place you are
5 required to be present if you desire to oppose the petition.

6 Dated _____, 19_____

7 _____
8 Clerk of Court.

9 By _____

(SEAL)

10 Deputy.

11 SEC. 3. NRS 598.250 is hereby amended to read as follows:

12 598.250 A seller must furnish every buyer with a fully completed
13 form in duplicate, captioned "NOTICE OF CANCELLATION," which
14 [shall] *must* be attached to the contract or receipt and easily detachable,
15 and which [shall] *must* contain in boldface type the following informa-
16 tion and statements in the same language as that used in the contract:

17 NOTICE OF CANCELLATION

18 (Enter date of transaction)

19 Date

20 You may cancel this transaction, without any penalty or obliga-
21 tion, except as provided by law, within 3 business days from the
22 above date.

23 If you cancel, any property traded in, any payments made by you
24 under the contract or sale, and any negotiable instrument executed
25 by you will be returned within 10 business days following receipt by
26 the seller of your cancellation notice, and any security interest aris-
27 ing out of the transaction will be canceled.

28 If you cancel, you must make available to the seller at reasonable
29 times at your residence, in substantially as good condition as when
30 received, any goods delivered to you under this contract or sale; or
31 you must in the alternative comply with the instructions of the seller
32 regarding the return shipment of the goods at the seller's expense
33 and risk.

34 If the seller does not *either* provide instructions for the return of
35 the goods to the seller [and/or if the seller does not] *or* pick them
36 up within 20 days of the date of your notice of cancellation, you
37 may retain or dispose of the goods without any further obligation.

38 To cancel this transaction, mail or deliver a signed and dated
39 copy of this cancellation notice or any other written notice, or send
40 a telegram to _____ at _____

(Name of seller)

(Address of seller's place

41 _____
42 _____
43 of business)

44 not later than midnight of _____

45 I hereby cancel this transaction.

46 _____
47 (Date)

48 _____
49 (Buyer's signature)

50 SEC. 4. This act shall become effective upon passage and approval.