

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 10, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close, at 8:15 a.m., Tuesday, March 10, 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 William J. Raggio
- Senator William H. Hernstadt
- Senator Sue Wagner

STAFF MEMBERS PRESENT:

Iris Parraguirre, Committee Secretary

SENATE BILL NO. 28:

Creates committee to select sites and design for prisons.

Senator Sue Wagner stated S. B. No. 28 comes from the prison subcommittee and was supported unanimously by all the committee members, mainly to remove the selection of sites for prisons from the political arena. The makeup of the committee is covered under Section 2. The committee would meet if it was necessary after the legislature made a decision that there should be a new prison. Money would be appropriated for that purpose, then the committee would consider where that prison site should be located. The criteria covered under Section 4 on page 2 of the bill is what they would be examining in terms of making a decision. S. B. No. 28 does have a fiscal note of over nine thousand dollars to pay for the membership of the committee, although the committee will not even come into being unless there is a need and a prison has been approved by the legislature. She felt the criteria under Section 4 is extremely

Senate Committee on Judiciary
March 6, 1981

important under any circumstances, no matter who makes the decision, in order to establish once and for all the kinds of things that should be considered in determining where a prison should be located. They include criteria related to the prison proper, physical requirements, cost factors, and support from the community. Also added is the suggestion that the criteria should not exclude any small counties from consideration as a potential prison site. S. B. No. 28 also defines how the committee shall be paid and who shall provide the technical expertise.

Senator Raggio asked why it was necessary to include the language that these criteria should not preclude small counties. Senator Wagner explained it was placed into the bill because it was perceived by some members of the subcommittee that it would be a political thing to do. She stated that within the report is the historical evolution of where prison sites have been located and why and it becomes a very political question.

Senator Raggio asked whether S. B. No. 28 is unique to Nevada or whether other jurisdictions have specific committees for determining the situs of prisons as distinguished from the situs of other public buildings. Senator Wagner stated that was not discussed in the committee and they did not feel it was pertinent. In reply to Senator Raggio's question as to whether the bill would include sites for honor camps, Senator Wagner stated S. B. No. 28 is designed only for the siting of prisons.

Mr. Bill Hancock, Secretary-Manager of the Public Works Board, stated the idea of the committee selecting a site after the legislature has appropriated the money could be a problem unless the design and construction is considered. A certain amount of money could be appropriated that would not be adequate to build the prison on a site that is selected after the money has been designated. A solution to the problem might be to do the design and initial construction work from money appropriated and then get the construction dollars later.

Senator Wagner stated the problem with that approach would be that there would then be a committee meeting while the legislature was in session. Politics would be shifted from one group to another. Mr. Hancock stated it could work the way it is written if the design and site improvement money could be obtained during one session and then get the final dollars for the building cost at the next session. There could be considerable difference in cost depending upon the site, the cost of the land and so forth.

Senate Committee on Judiciary
March 10, 1981

Senator Raggio asked how the money for the prison could be appropriated without knowing the site or the cost of the land.

Mr. Hancock said he felt project development monies could be appropriated during the present session of the legislature and that would get the project started. The committee could then meet and consider sites; however, the actual construction probably would not be started until the next session of the legislature and the final construction dollar would be known at that time. He stated enough preliminary information could be provided to come up with a legitimate appropriation to start the project. What he wanted to stress was once the money was appropriated after a site is selected, additional money may be necessary for actual construction.

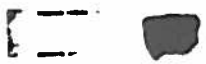
With regard to Section 7, lines 38, 39 and 40, Mr. Hancock stated the Board does not understand what is expected. Senator Keith Ashworth asked whether deleting the word "constitutional" would clarify the paragraph. Mr. Hancock said it would help.

Mr. Charles Wolff, Director of the Department of Prisons, stated the word "constitutional" also appears on line 15 of page 2. Regarding the cost of construction and operational costs, he felt the bill would accomplish everything that is necessary.

Senator Raggio asked what the words "minimum standards" would mean to the Public Works Board. Mr. Hancock replied they have a considerable amount of criteria from the Bureau of Federal Prisons defining minimum standards for prisons.

Mr. Wolff said there are other committees around the country similar to what is proposed in S. B. No. 28. Some are done under the Department of Corrections, some under the Department of Public Works and some are a combination with citizens selected from the community. He stated they work out well on advanced planning.

Senator Hernstadt asked Mr. Wolff if he felt the committee should start working as soon as a new prison is requested rather than waiting for an appropriation of funds. Mr. Wolff said he would like to see that because there would be more time to do the study and it would not be politically impacted, as it might be if the legislature were in session. He stated in 1861, the prison system bought a hotel and a site selection committee was not used then so they have been living with that piece of property since that time.



Senate Committee on Judiciary
March 10, 1981

Senator Don Ashworth asked whether S. B. No. 28 only relates to new prison sites or whether it would include construction on the present prison. Mr. Wolff felt anything having to do with construction of long-term institutions would fall under the purview of the committee.

Senator Don Ashworth asked Mr. Wolff whether the old facility at the prison is still being used. Mr. Wolff replied only a portion of it is being used and the old cell house is not being used at this point to house prisoners. The cell house may later be used for industry and vocational areas. He stated the building was not designed effectively when it was constructed in 1919, and there are some inherent problems that would cost more to correct than a new building. He felt it would be better to build medium security housing than it would be to build maximum security housing as it is at the prison now.

Mr. I. J. Sandorf, member of the Public Works Board, stated he was interested in the suggestion made by Senator Hernstadt concerning the desirability of the prison committee having available sites before the legislature meets. He felt with a small change in Section 3 on page 1, S. B. No. 28 could be accommodated to that particular purpose. That would mean having the committee meet when the warden and the prison committee indicate a new prison is necessary and make their study concerning the availability of sites. They then would have something specific to present to the legislature for the determination of cost. He did not feel sites should be chosen purely on an economic basis and approval of the community.

Senator Wagner stated if there is controversy over site location, the subcommittee would be taking the heat off the elected officials.

Senator Keith Ashworth suggested indefinite postponement of S. B. No. 28 because he did not think the Governor should be given the chance to choose a site since he would have five out of the seven members he could control.

Senator Wagner stated the intent of the subcommittee was to put some people on the committee who knew something about the subjects of prisons, conservation, public works and legislation.

Senator Raggio stated he did not see the bill as giving the Governor the right to choose the site. He stated Mr. Hancock is director of the Department of Conservation and Natural Resources and is more responsive to the legislature and the

Senate Committee on Judiciary
March 10, 1981

money committees than to the Governor. He stated he liked the criteria of S. B. No. 28 but did not feel much would be accomplished because at some point in time, the money committees have to look at the bill and decide if they are going to appropriate the money to buy the land. Even if the committee were to decide upon a location, the legislature would not act upon the appropriation until the next session, delaying the matter two years.

Senator Wagner stated it was her understanding there would be no problem because if the money was needed before the next biennium, interim finance could be contacted.

Senator Ford agreed it was a good idea but did not feel the committee should wait to meet until after the legislature appropriates funds.

Senator Keith Ashworth felt there should be someone from the money committees included on the subcommittee. Senator Wagner stated there would be nothing to preclude them.

Senator Ford stated she would not like to see the bill killed but would like to see some kind of planning mechanism put into effect because it would be less political.

SENATE BILL NO. 28 (Exhibit E)

Senator Keith Ashworth moved for indefinite postponement of S. B. No. 28.

Senator Don Ashworth seconded the motion.

The motion failed. (Senators Sue Wagner, Raggio, Hernstadt and Ford voted against the motion.)

Chairman Close stated there would be further discussion on the amendments.

Senator Raggio stated he felt the Legislative Commission should appoint a member from the Senate and a member from the Assembly who were not members of the interim-finance committee to serve on the subcommittee.

Senator Keith Ashworth stated if there were going to be nine people on the committee, at least four of them should be legislators because they are the ones who are ultimately going to have to make the decision. Senator Raggio did not agree and stated that would be getting away from expertise and getting into politics.

Senate Committee on Judiciary
March 10, 1981

Senator Hernstadt felt it was fair the way it was because the public would be the deciding vote between the Governor's appointees and the legislators.

Chairman Close suggested that of the four members of the public, two be appointed by the Governor, one member of the public be appointed by the Senate and one member of the public be appointed by the Assembly. Senator Raggio suggested that the legislators appointed should not be on the interim-finance committee. Senator Wagner suggested someone from the judiciary committee.

Chairman Close asked what the purpose would be in selecting committee members prior to any need for having a new prison.

Senator Ford replied they could become familiar with what site planning is all about.

Senator Hernstadt suggested an amendment which would state that at such time as the director of prisons said he would be requesting a new prison then the committee could be energized. They would do their work and give their recommendations to the legislature when it convened. It could only happen in the two-year period before a session where money would be asked for.

Senator Ford agreed the committee should be tied to conferring with the Director of the Department of Prisons. When he comes in with a request for a new prison, the committee should be making the rational and recommendation regarding the site would be made during the legislative session. Trying to get money appropriated first and then letting the committee make a decision probably would not work, in her opinion.

Senator Wagner stated Senator Ford's suggestion would be more palatable, but the concern is that there have been recommendations made to the finance committee in the past and they were not accepted.

Senator Keith Ashworth asked what the problem would be with having a prison at Indian Springs. Senator Wagner replied it would cost a great deal of money just to transport employees back and forth to work. During the last session, the only site being considered was Ely and Indian Springs was brought up at the last minute.

Senator Keith Ashworth stated the ultimate decision would rest with the money committees on how much they are going to finance and for where, and it is still going to be a political decision. Senator Wagner felt it would be better if the money committees based their decisions on some criteria.

Senate Committee on Judiciary
March 10, 1981.

Senator Hernstadt suggested the language should reflect that at such time as the Director of Prisons makes the decision that he is going to request a new prison facility at some undetermined site, then the committee goes into effect. The report of the committee would be used as the basis for preparing the budget which will be submitted.

With regard to Section 4, Chairman Close stated lines 14 through 16 on page two should be amended. Senator Hernstadt recommended it read: "Costs of construction and continuing operational costs" and stop there. Presumably, it will be up to constitutional standards.

With regard to lines 38 through 40, Senator Hernstadt suggested deleting the paragraph.

Chairman Close asked whether there was a motion on S. B. No. 28.

SENATE BILL NO. 28

Senator Ford moved to amend and Do Pass S. B. No. 28.

Senator Raggio seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 199: (Exhibit F)

Revises laws relating to consents for adoption and subsidized adoptions.

Chairman Close stated the amendments come from the Attorney General. The first change is in Section 2, paragraph 5(b) as follows:

"Unsuitable or detrimental to the interest of the child, the welfare division shall file an application in the district court for an order prohibiting (such) the placement. If the court determined that the placement should be prohibited, the court may nullify the written consent or consents to a specific adoption and order the return of the child to the care and control of (his) parent or parents having executed the consent or consents to adoption. (The balance of the language is unchanged.)

With regard to Section 1, paragraph 2, Chairman Close stated the amendment allows for attorney's fees for adoption, \$250 per case.

Senate Committee on Judiciary
March 10, 1981

Senator Raggio explained the attorney's fees would apply in welfare cases and previous testimony indicated there were only four or five cases a year. Even though the attorneys have not been charging, he felt there should be authority to be able to pay an attorney when necessary.

Senator Keith Ashworth stated if the language is included in the bill, the attorneys will be charging for adoptions and will no longer donate their time.

Senator Don Ashworth quoted from NRS 127.080, attached hereto as Exhibit C, which would be the other chapter involved. The amendment would read: "1. Except as provided in NRS 127.070 and 127.280..."

Senator Hernstadt asked whether S. B. No. 199 would apply to all adoptions. Senator Raggio explained it would only apply to a prospective adoptive home and consent to that specific home could be nullified during the placement period.

Chairman Close asked if there was a motion adopting the three amendments.

SENATE BILL NO. 199

Senator Raggio moved to amend and Do Pass S. B. No. 199.

Senator Don Ashworth seconded the motion.

The motion carried. (Senator Keith Ashworth voted against the motion.)

SENATE BILL NO. 311:

Allows district courts to order support for certain children who have reached majority.

Senator Wagner stated she introduced S. B. No. 311.

Ms. Margo Piscevich, an attorney from Reno, stated part of the area of law she practices is in domestic relations, and she favors S. B. No. 311. With regard to Section 1, she indicated the primary problem which arises in domestic relations situations is that the children turn 18 during their senior year in high school. The law as now written does not allow the judge an opportunity to provide for child support payments for the child to even finish high school. In those situations, the custodial parent needs child support through that period of time. She stated she would add to 2(b) the following language:

Senate Committee on Judiciary
March 10, 1981

"In making such awards, the court shall consider all relevant factors which shall appear reasonable and necessary including the financial resources of both parents, the standard of living the child would have enjoyed had the marriage not been dissolved and the financial resources of the child."

Ms. Piscevich stated that under S. B. No. 311, if parents considered education important for their children, they would still be provided those educational opportunities even though there has been a divorce. The idea is to provide the judge with a tool for getting to that goal. Basically, the proposed statute would recognize a support obligation for children continuing their education after the age of majority, and it would give children from broken homes the same educational opportunities as they would have enjoyed had the family not been disrupted.

Senator Don Ashworth asked whether that would mean if a family is not disrupted, at the age of 18 a child could bring an action against his parents if they did not provide for an education. Ms. Piscevich explained that is not what the amendment provides. It would not have any affect in a home where the domestic law was not applicable, meaning the courts will not interfere with an ongoing family. Senator Don Ashworth asked why rights should be given to children from a broken home that are not also prevalent in a home that is not broken.

Ms. Piscevich stated the reason she feels additional language is required in 2(b) is because different families differ on what they consider necessary education, which would be covered by the wording, "...the standard of living the child would have enjoyed..."

Senator Keith Ashworth asked who is to determine when a child has completed his education. Ms. Piscevich explained S. B. No. 311 has an age limit of 21 years. Also included for consideration are the financial resources of both parents and the standard of living, which would include the attitude of the family involved toward education.

Mr. George Miller proposed an amendment to S. B. No. 311 on line 15 to substitute "the 12th grade" in place of "his education." This change would also be made on line 18. Many parents do not intend to put their children through college and feel if they want further education, they can work for it.

Senator Wagner stated she had some research done by the Legislative Counsel Bureau which indicated there are many

Senate Committee on Judiciary
March 10, 1981

states which grant discretionary authority to the state courts enabling them to require support beyond the age of majority if the child is in school and has not yet reached 21. See Exhibit D attached hereto.

Senator Don Ashworth said he would agree to allowing support through the 12th grade but would go no farther. Senator Raggio stated he could not see any rationale for extending the obligations of the court further in the cases of parents going through a divorce than he could with ordinary families. There is no parental control of children after the age of 18.

Senator Wagner stated all S. B. No. 311 does is allow the judges to determine case by case whether child support should be allowed beyond age 18. Senator Raggio asked why they should be allowed to do that when they cannot do it if the parents are not going through a divorce.

SENATE BILL NO. 311

Senator Don Ashworth moved for indefinite postponement of S. B. No. 311.

Senator Raggio seconded the motion.

The motion carried. (Senators Wagner and Hernstadt voted against the motion.)

SENATE BILL NO. 322:

Revises grounds and procedures for termination of parental rights.

Judge John Mendoza of Las Vegas, accompanied by Ms. Gloria Hanley of the Welfare Division, stated they had gone over S. B. No. 322 rather extensively and felt it needed additional work. They asked that the matter be continued for several weeks to allow them to prepare the modifications. He stated this is a field of law that has been approached "peace meal" over the years and they would like to take a long look at the entire statute, 125, with the possibility of amending other sections other than those presented.

Chairman Close stated the matter would be set for March 24, 1981 at 9:00 a.m.

Senate Committee on Judiciary
March 10, 1981

ASSEMBLY CONCURRENT RESOLUTION NO. 12: (Exhibit G)

Encourages strict enforcement of criminal laws in cases involving juvenile offenders.

Mr. Fred Welden, with the research staff of the Legislative Counsel Bureau, stated A. C. R. 12 is one of three or four bills that came out of an interim study of juvenile crime and abuse of alcohol by juveniles. The subcommittee in looking at the two topics decided they wanted to hear from some of the kids. There were five presentations made from high school groups throughout the state that spoke to what the kids felt should be done to help deter juvenile crime and abuse of alcohol. A. C. R. 12 incorporated several of the things that the kids brought in. The first resolution clause on line 17 is that the judges, prosecutors, sheriffs and chief of police of Nevada are encouraged to enforce the criminal laws and to prosecute juvenile offenders.

Senator Raggio felt there should be an automatic loss of license on convictions of furnishing or the sale of liquor to minors. The problem is most minors do not obtain liquor by direct transaction from a licensed establishment. They usually request someone over 21 years of age to purchase it for them.

Mr. Welden stated they had testimony that many kids get the liquor at home without any problem. There was also testimony from the kids that they could walk into most stores and buy it.

Chairman Close stated if the police enforced liquor laws against minors to the same extent as against adults, there would be a problem with what to do with all the kids. It is a nationwide problem and putting kids in jail is not going to solve it.

Mr. Welden stated the kids came in and told the subcommittee in general that they felt they could do anything they wanted and would not get punished.

Senator Raggio asked what good the resolution would do. Mr. Welden stated he felt it might help to bring the problem to light and it would help to focus some pressure on some of the people from the legislature as a policy body. As far as a measurable, identifiable point, he stated there probably was not one.

Senator Ford stated the thing that is most frustrating is there are not any new laws to pass. It is a matter of public education,

Senate Committee on Judiciary
March 10, 1981

parental concern and community activity. The resolutions which have been drafted are the total reflection of a group of legislators who listened to teenagers around the state and tried to come up with some attempt at solving the problems.

Senator Raggio stated resolutions do very little, if anything.

Mr. Welden stated there was some testimony that the police feel there is no use for them to bring the kids in because the judges let them off anyway.

The second part of the resolution starting on line 23 on page 1 deals with support for restitution and work programs, Mr. Welden said. The third portion on page two is the strict enforcement of the laws relating to the sale of liquor to minors.

Mr. Weldon said the bulk of the subject matter was not informing the public that there is a great problem but rather informing people there are ways to address the problem, or a family awareness type of approach.

Senator Raggio stated he firmly believes in all of the resolutions but asked where the bills were to mandate the crimes. Even if the resolutions go somewhere, who are they going to and what can really be done. He could see no useful purpose other than kidding the people who appeared before the committee that something would be done.

Senator Keith Ashworth felt recognition should be given to some of the good kids, focusing on goodness instead of badness.

Mr. Frank Carmen, administrator of the Youth Services Division for the state of Nevada, stated it is especially frustrating for the people who are working with both the "good kids" as well as the youngsters in trouble to have so many assignments and then not have the resources to carry them out effectively. In terms of crime prevention, they have done very little in that area. He felt A. C. R. No. 15 shows them there is some direction coming from the lawmakers of the state to encourage the people who are dealing with kids to start focusing a little bit of their attention on prevention. The proposed bill is a support of what they would like to do and are already doing in some ways.

Chairman Close asked Mr. Carmen what would be the minimum budget required by the Youth Services Division to carry out the minimal required under A. C. R. 15. Mr. Carmen stated there is money

Senate Committee on Judiciary
March 10, 1981

being recommended in the Governor's recommended budget for the Division in the amount of \$7500 for the juvenile crime prevention program. A. C. R. No. 15 also provides for cooperation from the Department of Education, which has audio-visual and graphic kinds of departments. Their intent with the \$7500 is not just to spend it on media advertising but possibly on things such as youth services awards for youth citizenship. Regardless of whether A. C. R. No. 15 is passed, the Youth Services Division is going to be concentrating some of its efforts in this area, provided they can generate the revenue that is necessary.

Senator Raggio asked whether the resolution was needed by the Division to get the cooperation of the Department of Education. Mr. Carmen said he did not believe so, in fact, the resolution might be limiting when it singles out the Department of Education. He felt the intent was to tie in the Department of Education but the Bureau of Alcohol and Drug Abuse will be someone they approach and possibly Vocational Rehabilitation. Most individuals in that area are willing to bend over backwards to cooperate.

Miss April Miller of Bishop Gorman High School stated the people who should be reached are not going to listen to programs on TV advising them not to drink or not to take drugs. The same applies to programs with speakers who go around lecturing on drinking and drugs. She agreed with Senator Raggio that affirmative action should be taken and the source has to be stopped where kids are getting alcohol and drugs. She said anyone can go into a store and get liquor. Traffic court, with reference to A. C. R. No. 16, is a big joke and kids do not think it is any big deal because they can go to traffic school and their parents pay for their insurance.

Assemblyman Jan Stewart asked whether the committee had any questions on A. C. R. No. 12.

Chairman Close stated the committee feels the proposed resolutions would have little if any substantive effect. It is difficult to see the lasting value of the resolutions because it is felt they are ignored by those who receive them and the agencies do the best they can with the present juvenile situation. There had been testimony from a member of the Youth Services Division who advised there is \$7500 in the budget for the purpose of preparing some advertising for news media. He felt A. C. R. No. 12 would restrict him because he can do it without the resolution and only the Department of Education is mentioned. Chairman Close stated there was further testimony from individuals who feel the resolution would be dealing with informational programs

Senate Committee on Judiciary
March 10, 1981

to children with problems, and those children are not going to listen to them anyway.

Assemblyman Stewart stated one of the things the committee did was hold hearings in which they had a lot of high school students come in to testify, both in Reno and Las Vegas. A. C. R. No. 12 was covered and the students felt there was very little enforcement of the liquor laws which could easily be enforced through licensing procedures in the cities and counties. It is a good enforcement tool because if they are caught, their liquor license could be revoked. The problem is the law has more or less been "sluffed off" by society, but society must take a stand because it has really become a problem. There are kids coming to class stoned, either on alcohol or drugs, and it is not an isolated incident anymore. There are laws on the books but A. C. R. No. 12 is a statement to the state of Nevada and the local entities that the problem is serious. The committee, when it looked into juvenile delinquency, was hesitant to going in with a big solution to curing juvenile delinquency. One of the reasons was there was no money. A. C. R. No. 12 may be kind of a "watered down" solution but from the testimony the committee heard, it is very important. The kids also feel there is not any enforcement. By itself, the resolution is only a statement by the legislature, but it is in reference to all the testimony the committee heard from the kids. For that reason, Assemblyman Stewart said he would like to see A. C. R. No. 12 passed and sent back to all the high schools that testified in front of the committee. It would say they are thanked for bringing their thoughts forward and would show them the legislature does care. It would also be mailed to all the local agencies. He felt if the legislature cannot make a statement and does not feel it is worth a statement against alcohol abuse or drug abuse, it is going to continue to deteriorate. Something has to be done to stop the decline. Assemblyman Stewart stated A. C. R. No. 12 cannot do that alone, but the first step is for society to say it is wrong and say it over and over again.

Senator Raggio stated he felt the fact such resolutions are being passed saying what should be done is proof of the fact the legislature is not going to take a stand. It is not willing to take a stand and pass laws that require action on what should be done. He stated his concern is that the people who need to be reached do not get any impact from it.

Assemblyman Stewart stated there are two aspects and in a sense, he agreed with Senator Raggio. A very important aspect is the overall public opinion aspect and action should be taken before deviant behavior occurs. He agreed a resolution might not be the best thing to do but felt it would be important at this stage

Senate Committee on Judiciary
March 10, 1981

to pass it and send it to the schools and to the local governmental agencies.

Assemblyman Stewart stated A. C. R. No. 15 also relates to public awareness and relates through the media again the importance of the laws that presently exist. He stated the Youth Services were very supportive of the resolution and do have some money in their budget. There is a lot that can be done, even though there is not a lot of money to work with.

Senator Raggio stated a merchant who sells liquor to a minor does not lose his license, but it is grounds for revocation of his liquor license. He said he would support a bill that would make it absolutely mandatory to revoke the license of anyone who has sold alcohol to a minor; however, the situation is that someone of age will buy the liquor and furnish it to the minor.

Chairman Close asked how many revocations the city has imposed for selling liquor to minors. Assemblyman Stewart replied that up until recently, there was not much enforcement either by the city or county. He stated the city of Las Vegas has amended its liquor licensing laws.

Chairman Close asked if there was a motion on A. C. R. No. 12.

ASSEMBLY CONCURRENT RESOLUTION NO. 12

Senator Don Ashworth moved to adopt A. C. R. No. 12.

Senator Hernstadt seconded the motion.

The motion carried. (Senator Raggio was absent for the vote.)

ASSEMBLY CONCURRENT RESOLUTION NO. 15: (Exhibit H)

Directs youth services division of department of human resources to use advertising and news media to increase public awareness of problems among youth relating to juvenile crime and abuse of drugs and alcohol.

Mr. Fred Weldon stated A. C. R. No. 15 is the result of the interim study of juvenile crime and abuse of alcohol by juveniles. The legislators on the study felt they wanted to get into prevention of juvenile delinquency rather than emphasizing what to do with the delinquent kid. There were four areas that were identified as possibilities for programs dealing with prevention. One was the family, another was community and peers, the third was schools and the fourth was youth employment. A. C. R. No. 15 speaks to

Senate Committee on Judiciary
March 10, 1981

two of these areas directly and two indirectly. It calls for the Youth Services Division to prepare a program using the news media to improve the awareness of Nevadans to the problem of juvenile delinquency and also the responsibilities of families to address the problem. It directs the Department of Education to cooperate with the effort since they have done this type of work in the past.

Chairman Close asked if there was a motion on A. C. R. No. 15.

Senator Hernstadt suggested amending the resolution to read: .."advertising media" instead of "advertising and news media." Senator Ford felt the wording should be left as it is.

ASSEMBLY CONCURRENT RESOLUTION NO. 15

Senator Don Ashworth moved to adopt A. C. R. No. 15.

Senator Hernstadt seconded the motion.

The motion carried. (Senator Raggio was absent for the vote.)

ASSEMBLY CONCURRENT RESOLUTION NO. 16: (Exhibit I)

Urges judges to impose suitable penalties for traffic violations.

Senator Hernstadt moved to adopt A. C. R. No. 16.

Senator Ford seconded the motion.

The motion carried. (Senator Raggio was absent for the vote.)

ASSEMBLY JOINT RESOLUTION 30 OF THE 60TH SESSION: (Exhibit J)

Proposes to amend Nevada constitution by prohibiting commutation of sentences of death and life imprisonment without possibility of parole to sentences which would allow parole.

Senator Ford asked whether there was any other term other states are using because she feels the public is misled by the term "without possibility of parole."

Senator Keith Ashworth agreed and stated someone is given a sentence of life imprisonment without the possibility of parole by a jury but several years later, may be out committing the same crime again.

Senate Committee on Judiciary
March 10, 1981

Senator Raggio stated one solution would be to instruct the jury at the time of sentencing that life without possibility of parole does not exclude the possibility that the Board of Pardons, at a future time, may commute the sentence to grant the possibility of parole. Advising a jury of that possibility is something that is not done today. The courts have determined they cannot give such an instruction because it would violate the defendant's rights. One problem would be it would take away any hope the defendant would have of ever being paroled. Also, a jury might impose the death sentence instead of life without possibility of parole if they are aware the defendant could be released at a later date.

Senator Ford stated she felt the jury should know the law does not mean what it says.

Senator Hernstadt stated instructing the jury that a defendant might be paroled could be grounds for appeal. Senator Raggio stated he would discuss A. J. R. 30 with Mr. Dakin and report back to the committee.

ASSEMBLY JOINT RESOLUTION 30 OF THE 60TH SESSION

Senator Keith Ashworth moved to adopt A. J. R. No. 30 of the 60th Session.

Senator Hernstadt seconded the motion.

The motion carried. (Senators Wagner and Ford voted against the motion. Senator Don Ashworth was absent for the vote.)

SENATE BILL NO. 256:

Makes various changes in provisions regarding presentence reports.

Chairman Close stated there was a problem that was brought to the bill drafter's attention when he talked to Mr. Bud Campos of the Department of Parole and Probation. A situation occurred where a person pled guilty to a crime, there was no testimony before the court but at the sentencing, the victim of the crime was subpoenaed as a witness and the entire matter was reviewed. Mr. Campos questioned whether or not during sentencing, the victim can be called as a witness and questioned on the crime. Senator Close felt the suggestion goes beyond the scope of the bill, which is that a victim of a crime cannot be called in to testify at the time of sentencing for the purpose of proving the severity of the crime.

Senate Committee on Judiciary
March 10, 1981

Chairman Close stated the second question was with regard to Mr. Campos' amendment to NRS 176.145. The bill drafter said there was a problem with telling the court what can or cannot be put into the presentence report. The amendment read as follows:

"No limitation shall be placed on the information concerning the background, character and conduct of the person convicted of an offense which the District Court may receive and consider for the purpose of imposing an appropriate sentence."

The bill drafter suggested stating the only relevant objections to the contents of a presentence report would be if a fact stated in the report is not true. The committee's idea was to state the Parole and Probation Department could put anything they felt necessary into the report.

Chairman Close said he would discuss the amendments to S. B. No. 256 further with the bill drafter.

SENATE BILL NO. 255:

Revises certain provisions concerning violation of parole and probation.

Chairman Close stated S. B. No. 255 concerns credit for time served in jail if an individual commits another crime while out on probation for a prior charge. He should not be eligible for any credit on the sentence from the subsequent offense for the time he has spent in confinement on the prior charge. S. B. No. 255 only deals with while the individual is out on parole. The bill drafter felt the bill needed further amending.

SENATE BILL NO. 101:

Removes limitations on interest rates for loans.

Chairman Close stated it has been brought to his attention that the members of the judiciary committee have been lobbied to the point where the mortgage brokers desire to have the three percent over prime plus points imposed upon them as a usury limit.

Senator Hernstadt stated they use it as a sales "gimmick" because some of the lenders want to get too much interest by qualifying a loan as high risk. The lender is usually not told he gets 10 or 15 points for arranging the loan.

Senate Committee on Judiciary
March 10, 1981

Chairman Close stated he has no objection to putting limits on usury.

The committee agreed not to change S. B. No. 101.

Chairman Close stated he is holding up setting the gaming bills for hearings until all the bills have been received and can be heard at one time.

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

Respectfully submitted by:

Iris B. Parraguirre
Iris B. Parraguirre Secretary

APPROVED BY:

Mel Close
Senator Melvin D. Close Chairman

DATED: 3-24-81

SENATE AGENDA

3/5/81

COMMITTEE MEETINGS

EXHIBIT A

Committee on JUDICIARY, Room 213
Day Tuesday, Date March 10, Time 8:00 a.m.

AMENDED MEETING SCHEDULE

S. B. NO. 28--Creates committee to select sites and design for prisons.

S. B. NO. 311--Allows district courts to order support for certain children who have reached majority.

S. B. NO. 322--Revises grounds and procedures for termination of parental rights.

A. C. R. NO. 12--Encourages strict enforcement of criminal laws in cases involving juvenile offenders.

A. C. R. NO. 15--Directs youth services division of department of human resources to use advertising and news media to increase public awareness of problems among youth relating to juvenile crime and abuse of drugs and alcohol.

A. C. R. NO. 16--Urges judges to impose suitable penalties for traffic violations.

SENATE COMMITTEE ON JUDICIARY

DATE: 3-10-81

EXHIBIT B

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

MARU LEE STATE WELFARE DEPT DANELL DE 575-171

Gloria Handley Welfare Division 251 Jernell Dr. S.S. 885-4771

WILLARD TAYLOR SELF - 3535 PARQUE VERTES 826 6047

APRIL MILLER BISHOP GORDON HIGH 871-6648

Jack D. Valentin Bishop Gordon High School 725-4614

GEORGE LYN BISHOP GORDON HIGH SCHOOL 725-4614

STEVE ROBINSON DEPT of PRISONS 885-5048

I. J. SANDORF Pub. Works Bd 322-9848

W. E. SWANSON " " " 885-5870

P. L. WOLFE PRISONS 885-5069

R. M. VARGAS - 0

Div of Mental Hygiene 545-5913

MARCO DEGRUCHO PO Box 2926 Zone 85205 307-0755

FRANK PARMER Bishop Gordon High School 575-0213

Bill Jordan (Jordan - Jordan) 805-7589

TERRY MARSH STATE OF MISSISSIPPI 815-5036

WEN MENDOZA United States J.D. 642-9090

FRANK CARMEN Youth Service Division 885-5989

LEO HENRIKSON Retired 385-5222

LEO HENRIKSON Retired

John Lavery

ADOPTION

127.110

127.070 Validity of releases for and consents to adoption.

1. All releases for and consents to adoption executed by the mother before the birth of a child are invalid.

2. A release for or consent to adoption may be executed by the father before the birth of the child if the father is not married to the mother. A release executed by the father becomes invalid if:

(a) The father of the child marries the mother of the child before the child is born;

(b) The mother of the child does not execute a release for or consent to adoption of the child within 6 months after the birth of the child; or

(c) No petition for adoption of the child has been filed within 2 years after the birth of the child.

[7:332:1953]—(NRS A 1979, 1283)

127.080 Consents to specific adoptions, relinquishments for adoption irrevocable.

1. Except as provided in NRS 127.070, the execution of a written consent to a specific adoption or a relinquishment for adoption pursuant to this chapter is irrevocable.

2. A minor parent may execute a relinquishment for adoption and cannot revoke it upon coming of age.

[8:332:1953]—(NRS A 1967, 984; 1979, 1283)

127.090 When consent unnecessary. Consent of a parent to an adoption shall not be necessary where parental rights have been terminated by an order of a court of competent jurisdiction.

[9:332:1953; A 1955, 192]

127.100 Entitlement of petitions, reports and orders. All petitions, reports and orders in adoption proceedings shall be entitled only in the names of the adopting parties.

[10:332:1953]

127.110 When petition may be filed; contents of petition; limitation on entry of adoption order.

1. A petition for adoption may be filed at any time after the child has lived in the home of petitioners for a period of 30 days.

2. The petition for adoption shall state, in substance, the following:

(a) The full name and age of the petitioners and the period of time the petitioners have resided in the State of Nevada prior to the filing of the petition.

(b) The age of the child sought to be adopted and the period of time that the child has lived in the home of petitioners prior to the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and such child.

(d) Their desire that the name of the child be changed, together with the new name desired.

122

AMENDMENTS TO S.B. 199

SECTION 127.220

NRS 127.220 is hereby amended to read as follows:

As used in NRS 127.230 to 127.310 inclusive "person" means an individual, partnership, firm, corporation [or], association or hospital.

SECTION 449.245

NRS 449.245 is hereby amended to read as follows:

5. The obligation imposed on hospitals in this section are in addition to those imposed by NRS 127.220 to 127.310 inclusive, regarding placements made for adoption or permanent free care.

[5.]6. A violation of any provision of this section is a misdemeanor.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627

KEITH ASHWORTH, *Senator, Chairman*
Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-5640

DONALD R. MELLO, *Assemblyman, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
William A. Bible, *Assembly Fiscal Analyst*

ARTHUR J. PALMER, *Director*
(702) 885-5627

March 10, 1981

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

EXHIBIT D

M E M O R A N D U M

TO: Senator Sue Wagner
FROM: J. Kenneth Creighton, Research Analyst *JKC*
SUBJECT: Upper Age Limit for Child Support in Selected States

The General Situation

In most states 18 is the age of majority for young people. In every state this age establishes the upper limit for which child support must be paid. [According to the National Conference of State Legislatures, many states also grant discretionary authority to the state courts enabling them to require child support beyond the age of majority if the child is in school and has not reached 21 years of age.]

More Specifically: What Seven States Do

The following six states have granted this discretionary authority to the courts: Alaska, California, Florida, Hawaii, Illinois and Oregon.

The courts in Washington can order child support beyond the age of majority under certain conditions. This state, then, has granted conditional authority to the courts rather than the blanket authority as proposed under S.B. 311.

KC/llp

S. B. 28

SENATE BILL NO. 28—SENATORS WAGNER,
FAISS, GETTO AND ECHOLS

JANUARY 21, 1981

Referred to Committee on Judiciary

SUMMARY—Creates committee to select sites and design
for prisons. (BDR 16-61)

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 prisons; establishing a committee to select sites for prisons
and to establish standards for design; 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 6, inclusive, of this act.
- 3 SEC. 2. 1. *A committee to select sites for prisons is hereby created.*
4 2. *The committee consists of:*
5 (a) *The director of the department of prisons who shall serve as chair-*
6 *man.*
7 (b) *The director of the state department of conservation and natural*
8 *resources.*
9 (c) *The chairman of the state public works board or another member*
10 *of the board designated by him.*
11 (d) *The majority leader of the senate or a member of the senate desig-*
12 *nated by him;*
13 (e) *The speaker of the house or a member of the assembly designated*
14 *by him; and*
15 (f) *Four members of the public appointed by the governor.*
16 3. *After the initial terms, the terms of the members of the public are*
17 *4 years.*
18 SEC. 3. *The committee shall meet after the legislature has appropri-*
19 *ated funds for the construction of a new prison to list all potential sites*
20 *for the prison in the order of their suitability for the purpose and select*
21 *from the list the one site which, in its opinion, is the most suitable.*

1 **SEC. 4.** *The criteria to be used are to be considered in the priority*
2 *listed, but the committee is not limited to them. The criteria are:*

3 1. *Those relating to the prison proper, including:*

4 (a) *Requirements of security;*

5 (b) *Programs to be offered;*

6 (c) *Availability of staff; and*

7 (d) *Geographical source of the offenders to be confined.*

8 2. *Physical requirements, including:*

9 (a) *Availability of water and utilities; and*

10 (b) *Access and zoning.*

11 3. *Cost factors, including:*

12 (a) *The cost of acquisition of the land on which the prison is to be*
13 *built;*

14 (b) *Costs of construction and continuing operational costs as affected*
15 *by what it believes to be the minimum constitutional standards for the*
16 *physical construction of the prison; and*

17 (c) *The effect of local taxes or charges for local services.*

18 4. *Support from the community in which the prison is to be built,*
19 *including:*

20 (a) *The attitude of persons in the community regarding the prison; and*

21 (b) *The availability of:*

22 (1) *Programs for the rehabilitation and employment of offenders in*
23 *the community; and*

24 (2) *Police, fire, medical and other similar services provided in the*
25 *community.*

26 *These criteria are not intended to exclude small counties from considera-*
27 *tion as possible sites for the construction of a prison.*

28 **SEC. 5.** *The department of prisons, the state public works board and*
29 *the department of conservation and natural resources shall provide*
30 *appropriate secretarial and technical support for the committee.*

31 **SEC. 6.** *The members of the committee who are officers or employees*
32 *of the executive department of state government are each entitled to*
33 *receive the subsistence allowance and travel expenses provided by law.*
34 *Other members are entitled to these allowances and expenses and to a*
35 *salary of \$40 for each day spent on the business of the committee.*

36 **SEC. 7.** *Chapter 341 of NRS is hereby amended by adding thereto a*
37 *new section which shall read as follows:*

38 *In designing and constructing prisons, the board shall not exceed what*
39 *it believes to be minimum constitutional standards for the physical con-*
40 *struction of prisons.*

41 **SEC. 8.** *The governor shall appoint to the committee to select sites*
42 *for prisons under paragraph (f) of subsection 2 of section 2 of this act*
43 *members of the public for terms commencing on July 1, 1981, as fol-*
44 *lows:*

45 1. *Two members for terms of 2 years.*

46 2. *Two members for terms of 4 years.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 199

SENATE BILL NO. 199—COMMITTEE ON JUDICIARY

FEBRUARY 6, 1981

Referred to Committee on Judiciary

SUMMARY—Revises laws relating to consents for adoption and subsidized adoptions. (BDR 11-186)

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

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

AN ACT relating to adoption; authorizing nullification by the court of a written consent to adoption; allowing payments of attorney's fees and court costs in subsidized adoptions; clarifying the applicability of provisions governing placements for adoption and permanent free care; 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 127.080 is hereby amended to read as follows:
2 127.080 1. Except as provided in NRS 127.070 [, the execution of]
3 and 127.280, a written consent to a specific adoption [or a relinquish-
4 ment for adoption] pursuant to this chapter [is irrevocable.] *cannot be*
5 *revoked or nullified.*

6 2. *Except as provided in NRS 127.070, a relinquishment for adop-*
7 *tion pursuant to this chapter cannot be revoked or nullified.*

8 3. A minor parent may execute a relinquishment for adoption and
9 cannot revoke it upon coming of age.

10 SEC. 2. NRS 127.186 is hereby amended to read as follows:

11 127.186 1. The welfare division of the department of human
12 resources, or a child-placing agency licensed by the welfare division pur-
13 suant to this chapter, [is hereby authorized and empowered to] *may*
14 consent to the adoption of a child under 18 years of age with special
15 needs due to race, age [,] *or physical or mental problems who is in the*
16 custody of the welfare division or the licensed agency by proposed adop-
17 tive parents of limited means when, in the judgment of the welfare divi-
18 sion or the licensed agency, it would be [to] *in the best interests of*
19 [such] *the child to be placed in [such] that adoptive home and it would*
20 *be difficult to locate a suitable adoptive home where the adoptive parents*
21 *would be capable of bearing the full costs of maintaining [such] the*
22 *child.*

1 2. The welfare division [is authorized to] *may grant financial assist-*
2 *ance for attorney's fees and court costs in the adoption proceeding, for*
3 *maintenance [or] and for preexisting physical or mental conditions to*
4 *the adoptive parents out of money provided for that purpose if:*

5 (a) *Due and diligent effort has been made by the welfare division or*
6 *the licensed agency to locate a suitable adoptive home for [such] the*
7 *child where financial assistance would not be required [.] ; and*

8 (b) *The state welfare administrator has reviewed and approved in*
9 *writing the proposed adoption and grant of assistance.*

10 3. *The financial assistance grant must be limited, both as to amount*
11 *and duration, by agreement in writing between the welfare division and*
12 *the adoptive parents. [, both as to amount and duration, which] The*
13 *agreement does not become effective until the entry of the order of adop-*
14 *tion.*

15 4. *Any grant of financial assistance must be reviewed and evaluated*
16 *at least once annually by the welfare division. [Such] The evaluation*
17 *must be presented for approval to the state welfare administrator. Finan-*
18 *cial assistance must be discontinued immediately upon written notifica-*
19 *tion to the adoptive parents by the welfare division that continued*
20 *assistance is denied.*

21 5. *All financial assistance provided under this section ceases imme-*
22 *diately when the child attains [his or her] majority, becomes self-support-*
23 *ing, is emancipated or dies, whichever is first.*

24 6. *Neither a grant of financial assistance pursuant to this section nor*
25 *any discontinuance of such assistance affects the legal status or respective*
26 *obligations of any party to [such] the adoption.*

27 SEC. 3. *NRS 127.220 is hereby amended to read as follows:*

28 127.220 *As used in NRS 127.230 to 127.310, inclusive, "person"*
29 *means an individual, partnership, firm, corporation or association. The*
30 *term includes a hospital.*

31 SEC. 4. *NRS 127.280 is hereby amended to read as follows:*

32 127.280 1. *No child may be placed in the home of prospective*
33 *adoptive parents for the 30-day residence in [such] that home which is*
34 *required before the filing of a petition for adoption, except where a child*
35 *and one of the prospective adoptive parents are related within the third*
36 *degree of consanguinity, unless the welfare division of the department of*
37 *human resources first receives written notice of the proposed placement*
38 *from:*

39 (a) *The prospective adoptive parents of the child;*

40 (b) *The person recommending [such] the placement; or*

41 (c) *A licensed child-placing agency,*

42 *and the investigation required by the provisions of this section has been*
43 *completed.*

44 2. *If [such] the placement is to be made by a licensed child-placing*
45 *agency, the welfare division shall make no investigation and shall retain*
46 *the written notice for informational purposes only.*

47 3. *If [such] the placement is recommended by a person other than*
48 *a licensed child-placing agency, the welfare division shall, within 60 days*
49 *after receipt of the written notice, complete an investigation of the medi-*
50 *cal, mental, financial and moral backgrounds of the prospective adoptive*

1 parents to determine the suitability of the home for placement of the
2 child for adoption. The investigation must also embrace any other rele-
3 vant factor relating to the qualifications of the prospective adoptive parents
4 and may be a substitute for the investigation required to be conducted by
5 the welfare division on behalf of the court when a petition for adoption
6 is pending, if the petition for adoption is filed within 6 months after the
7 completion of the investigation required by this subsection.

8 4. Pending completion of the required investigation, the child must
9 be retained by the natural parent or parents or relinquished to the welfare
10 division and placed by the welfare division in a foster home licensed by it
11 until a determination is made by the welfare division concerning the suit-
12 ability of the prospective adoptive parents.

13 5. Upon completion of the investigation, the welfare division shall
14 forthwith inform the person recommending [such] the placement and the
15 prospective adoptive parents of the welfare division's decision to approve
16 or deny the placement. If, in the opinion of the welfare division, the
17 prospective adoptive home is:

18 (a) Suitable, the child must be relinquished to the welfare division, if
19 not relinquished pursuant to the provisions of subsection 4, for place-
20 ment and adoption in the home of the prospective adoptive parents.

21 (b) Unsuitable or detrimental to the interest of the child, the welfare
22 division shall file an application in the district court for an order prohib-
23 iting [such] the placement. If the court determines that the placement
24 should be prohibited, the court may nullify the written consent or con-
25 sents to the specific adoption and order the return of the child to the
26 care and control of [his natural] the parent or parents [,] who exe-
27 cuted the consent, but if the parental rights of [such] the parent or
28 parents have been terminated by a relinquishment or a final order of a
29 court of competent jurisdiction or if the parent or parents do not wish
30 to accept the child, then the court may order the placement of the child
31 with the welfare division or with any licensed child-placement agency
32 for adoption.

33 6. Whenever the welfare division believes that anyone has violated
34 or is about to violate any of the provisions of this chapter, in addition to
35 any other penalty or remedy provided:

36 (a) The welfare division may petition the appropriate district court
37 for an order to restrain and enjoin the violation or threatened violation
38 of any of the provisions of this chapter, or to compel compliance with
39 the provisions of this chapter; and

40 (b) The court, thereupon, shall, if a child has been or was about to
41 be placed in a prospective adoptive home in violation of the provisions of
42 this chapter:

43 (1) Prohibit [such] the placement if the child was about to be so
44 placed, or order the removal of the child if the child was so placed within
45 6 months before the filing of the welfare division's petition, and proceed
46 pursuant to the discretionary placement power of subsection 5; or

47 (2) Proceed pursuant to the discretionary placement power of sub-
48 section 5 in all other cases if the court determines that it is in the best
49 interest of the child that the child should be removed.

1 7. Whenever the welfare division believes that a person has received
2 for the purposes of adoption or permanent free care a child not related
3 by blood, and when the written notice required by subsection 1 has not
4 been received, and the welfare division does not proceed pursuant to
5 subsection 6, the welfare division shall make an investigation. Upon com-
6 pletion of the investigation, if the home is found suitable for the child, the
7 prospective adoptive parents must be allowed 6 months from the date of
8 completion of the investigation to file a petition for adoption. If a petition
9 for adoption is not filed within **[[such]]** that time a foster home license
10 must thereafter be issued by the welfare division if the home meets
11 established standards. If, in the opinion of the welfare division, the place-
12 ment is detrimental to the interest of the child, the welfare division shall
13 file an application with the district court for an order for the removal of
14 the child from the home. If the court determines that the child should be
15 removed, the court shall proceed pursuant to the discretionary placement
16 power of subsection 5.

17 8. Any person who places, accepts placement of, or aids, abets or
18 counsels the placement of any child in violation of the placement provi-
19 sions of this section is guilty of a gross misdemeanor.

20 SEC. 5. NRS 449.245 is hereby amended to read as follows:

21 449.245 1. No hospital licensed under the provisions of NRS 449.-
22 001 to 449.240, inclusive, **[[shall]]** *may* release from **[[such]]** *the* hos-
23 pital or otherwise surrender physical custody of any child under 6
24 months of age, whose living parent or guardian is known to **[[such]]** *the*
25 hospital, to any person other than a parent, guardian or relative by
26 blood or marriage of **[[such]]** *that* child, without a written authorization
27 signed by **[[such]]** *a* living parent, **[[which shall]]** *who must* be the mother
28 if unwed, or guardian specifying the particular person or agency to
29 whom **[[such]]** *the* child may be released and the permanent address of
30 **[[such]]** *that* person or agency.

31 2. Upon the release or other surrender of physical custody of **[[any**
32 **minor]]** *the* child, the hospital shall require from the person to whom
33 the child is released such reasonable proof of identity as the hospital
34 may deem necessary for compliance with the provisions of this section.
35 The hospital shall furnish a true copy of **[[each such]]** *the* written
36 authorization to the welfare division of the department of human
37 resources before the release or other surrender by it of physical custody
38 of **[[any such minor]]** *the* child. **[[Such copy shall]]** *The copy must* be
39 furnished to the welfare division immediately upon receipt by the hos-
40 pital. **[[of such authorization.]]**

41 3. Any person to whom any such child is released who thereafter
42 surrenders physical custody of **[[such]]** *that* child to any other person or
43 agency shall, upon demand by the welfare division, disclose to the wel-
44 fare division the name and permanent address of the person or agency
45 to whom physical custody of the child was delivered.

46 4. All information received by the welfare division pursuant to the
47 provisions of this section **[[shall be]]** *is* confidential **[[information]]** and
48 **[[shall]]** *must* be protected from disclosure in the same manner that
49 information concerning recipients of public assistance is protected under
50 NRS 422.290.

- 1 5. *Compliance with the provisions of this section is not a substitute*
- 2 *for compliance with NRS 127.220 to 127.310, inclusive, governing place-*
- 3 *ments for adoption and permanent free care.*
- 4 6. A violation of any provision of this section is a misdemeanor.

A. C. R. 12

**ASSEMBLY CONCURRENT RESOLUTION NO. 12—ASSEMBLY—
MEN STEWART, HAYES, MALONE, BENNETT, BRADY
AND HORN**

JANUARY 28, 1981

Referred to Committee on Judiciary

**SUMMARY—Encourages strict enforcement of criminal laws in cases
involving juvenile offenders. (BDR 30)**

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

**ASSEMBLY CONCURRENT RESOLUTION—Encouraging judges, district attor-
neys, sheriffs and chiefs of police to enforce criminal laws in cases in which
the offender is a juvenile.**

1 WHEREAS, Crimes committed by young people are as much a danger
2 to society and to the people of Nevada as are crimes committed by
3 adults; and

4 WHEREAS, Young people can be taught by the example of others, and
5 by the consequences of their own actions, to a higher degree than adults
6 whose habits have been formed to include acceptability of criminal
7 behavior; and

8 WHEREAS, The consumption of alcoholic beverages by minors in vio-
9 lation of the laws of the state is a contributing factor to the rise in crime
10 committed by juveniles in Nevada, and this problem can be curtailed to
11 some degree by enforcing the laws which prohibit the sale of liquor to
12 minors; and

13 WHEREAS, Many youthful offenders are not made to suffer the con-
14 sequences which society visits upon adults who engage in the same
15 behavior, and thus are permitted to profit from unacceptable behavior,
16 or to escape punishment for that behavior; now, therefore, be it

17 *Resolved by the Assembly of the State of Nevada, the Senate concur-*
18 *ring,* That the judges, prosecutors, sheriffs and chiefs of police of
19 Nevada are encouraged to enforce the criminal laws of the state in
20 cases where the offenders are found to be juveniles to the same extent
21 that they would do so if the offenders were adults, and that they coop-
22 erate to ensure the prosecution of juvenile offenders; and be it further

23 *Resolved,* That the legislature supports the use of restitution and
24 work programs as alternatives to confinement when such a program is
25 suited to the offender; and be it further

1 *Resolved*, That the legislature encourages the strict enforcement of
2 the laws relating to the sale of liquor to minors.

29

A. C. R. 15

ASSEMBLY CONCURRENT RESOLUTION NO. 15—ASSEMBLYMEN STEWART, HAYES, MALONE, BENNETT, BRADY AND HORN

JANUARY 28, 1981

Referred to Committee on Judiciary

SUMMARY—Directs youth services division of department of human resources to use advertising and news media to increase public awareness of problems among youth relating to juvenile crime and abuse of drugs and alcohol. (BDR 102)

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

ASSEMBLY CONCURRENT RESOLUTION—Directing the youth services division of the department of human resources to use advertising and news media to increase the public awareness of the problems among youth relating to juvenile crime and abuse of drugs and alcohol.

- 1 WHEREAS, Statistics which reveal that an alarmingly high percentage
2 of crime in Nevada is committed by persons between the ages of 13 and
3 18 years coupled with data which show that the leading cause of death
4 among teenagers is driving while under the influence of alcohol have
5 created grave concerns among Nevada's lawmakers; and
6 WHEREAS, Even though such crimes and deaths affect the lives of all
7 Nevadans in many ways, available information tends to show that a
8 majority of the citizens of this state are not aware of the gravity of these
9 problems nor their widespread debilitating ramifications if such trends
10 are not reversed; and
11 WHEREAS, The importance of increasing the awareness of all Nevad-
12 ans of the extent of these concerns is unquestionable and, therefore, war-
13 rants expending government resources; and
14 WHEREAS, The youth services division of the department of human
15 resources is the agency of Nevada's government which is best able to
16 carry out a program to improve such awareness by the public; now,
17 therefore, be it
18 *Resolved by the Assembly of the State of Nevada, the Senate concur-*
19 *ring.* That the youth services division of the department of human
20 resources prepare a program using the advertising and news media to
21 improve the awareness of all Nevadans of the serious problems among
22 many of this state's youth relating to juvenile crime and abuse of drugs
23 and alcohol; and be it further

- 1 *Resolved*, That the department of education provide experienced
- 2 personnel to help coordinate the efforts of the division in this program,
- 3 and be it further
- 4 *Resolved*, That a copy of this resolution be prepared and transmitted
- 5 forthwith by the legislative counsel to the director of the department of
- 6 human resources, to the administrator of the youth services division
- 7 within the department of human resources and to the superintendent of
- 8 public instruction.

A. C. R. 16

ASSEMBLY CONCURRENT RESOLUTION NO. 16—ASSEMBLYMEN PRICE, BARENGO, WESTALL, POLISH AND BREMNER

JANUARY 29, 1981

Referred to Committee on Judiciary

SUMMARY—Urges judges to impose suitable penalties for traffic violations. (BDR 8)



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

ASSEMBLY CONCURRENT RESOLUTION—Urging judges of the courts of Nevada to impose suitable penalties for violations of traffic laws.

- 1 WHEREAS, The people of Nevada are the victims of many needless
2 traffic accidents which are the results of violations of traffic laws; and
3 WHEREAS, Those who are not directly injured by accidents are
4 required to pay premiums for automobile insurance which are inordi-
5 nately high; and
6 WHEREAS, Police agencies are not enforcing traffic laws to the fullest;
7 prosecutors are not bringing cases, or are bargaining with defendants for
8 pleas of guilty to lesser offenses; and judges are not imposing penalties
9 which would encourage potential violators to observe traffic laws; and
10 WHEREAS, Strict and impartial enforcement of traffic laws would
11 encourage obedience by drivers, which would result in fewer accidents
12 and injuries and in less waste through property damage, and finally in
13 lower rates for motor vehicle insurance; now, therefore, be it
14 *Resolved by the Assembly of the State of Nevada, the Senate concur-*
15 *ring,* That the district judges, justices of the peace and municipal or
16 police judges of Nevada are urged to mete out sentences for violations of
17 traffic laws which adequately reflect the seriousness of the offense; and
18 be it further
19 *Resolved,* That district attorneys and city attorneys are urged to charge
20 each violator with the traffic offense which he has committed and not
21 with any lesser offense, and to prosecute each such offense as fully as
22 possible; and be it further
23 *Resolved,* That police agencies which are charged with the enforce-
24 ment of traffic laws are urged to enforce those laws for the protection of
25 all of the people who are on or near Nevada's highways.

A. J. R. 30 of the 60th Session

**ASSEMBLY JOINT RESOLUTION NO. 30—
COMMITTEE ON JUDICIARY**

MAY 3, 1979

Referred to Committee on Judiciary

SUMMARY—Proposes to amend Nevada constitution by prohibiting commutation of sentences of death and life imprisonment without possibility of parole to sentences which would allow parole. (BDR C-1901)

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

ASSEMBLY JOINT RESOLUTION—Proposing to amend section 14 of article 5 of the constitution of the State of Nevada, relating to commutations of sentences, by prohibiting the commutation of a sentence of death or life imprisonment without possibility of parole to a sentence which would allow parole.

1 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
2 That section 14 of article 5 of the constitution of the State of Nevada
3 be amended to read as follows:

4 **Sec. 14** 1. The governor, justices of the supreme court, and attorney
5 general, or a major part of them, of whom the governor shall be one,
6 may, upon such conditions and with such limitations and restrictions as
7 they may think proper, remit fines and forfeitures, commute punish-
8 ments, *except as provided in subsection 2*, and grant pardons, after con-
9 victions, in all cases, except treason and impeachments, subject to such
10 regulations as may be provided by law relative to the manner of applying
11 for pardons.

12 2. *Except as may be provided by law, a sentence of death or a*
13 *sentence of life imprisonment without possibility of parole may not be*
14 *commuted to a sentence which would allow parole.*

15 3. The legislature is authorized to pass laws conferring upon the
16 district courts authority to suspend the execution of sentences, fix the
17 conditions for, and to grant probation, and within the minimum and
18 maximum periods authorized by law, fix the sentence to be served by
19 the person convicted of crime in said courts except as may be provided
20 by law.