Research.

MINUTES OF THE MEETING OF THE SENATE COMMITTEE ON JUDICIARY

SIXTY-FIRST SESSION NEVADA STATE LEGISLATURE March 4, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close, at 8:30 a.m., Wednesday, March 4, 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. 253:

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

Chairman Close requested further information from the Welfare Division concerning S. B. No. 253. He asked whether they were collecting money from the people who could least afford to pay it and the reason for the imposition of the fee.

Mr. Ace Martelle stated there was no intent to draw any fee from individuals on welfare and S. B. No. 253 specifically precludes that. They feel the obligor is the individual they are after, not the obligee, and that they should be responsible for a payment of fee when the Welfare Department has to try to locate them to make them support their children. Whether the fee would be a flat fee or a flat fee and a percentage would be negotiable and subjective. Mr. Martelle stated they wanted changes to S. B. No. 253 which would specifically require that

monies received by the District Attorney's Office would not go back to their general fund but specifically go back to the child support operation so they can further enhance the child support enforcement program. Mr. Martelle stated the main purpose of S. B. No. 253 is to have even a better working relationship with the District Attorney's Office and to contact as many absent parents as possible to make them support their children.

Mr. Bill Furlong stated the intent in S. B. No. 253 is to collect both the fees and the costs from the obligor, who is the absent parent, but if they are unable to collect from the obligor then they would like to be able to collect from the collections made on behalf of the children.

Senator Raggio asked whether the court in entering its order could impose the fees against the obligor. Mr. Furlong stated it could. Senator Raggio stated that information should be specified in the bill. He asked whether other states charge fees for collections or reciprocol actions. Mr. Furlong stated there are about 15 states that charge both an application fee and a percentage of the collection but it would not apply to indigents.

Senator Wagner asked who would be considered an indigent under S. B. No. 253. Mr. Martelle stated an indigent would be someone who would not qualify under public assistance program. He explained that under the non-public assistance program they are obligated to take anyone that walks into their office, regardless of their income or resources if they want to file with the District Attorney or through their office. He stated a mother and one child under the ADC program would not be eligible if they have approximately $211 per month after deductions. Their intent is to keep people off welfare with the program and would not want to take money away from those that obviously could not afford it.

Chairman Close asked whether $20 is an adequate amount to pay for bringing a paternity action. Mr. Furlong stated it is the maximum allowed under the federal guidelines even though an individual is able to pay.

Senator Raggio asked Mr. Bob Courtland, Washoe County District Attorney's Office, Non-support Division, to give an estimate of the number of reciprocol support actions instituted in Washoe County in one year where the person would not be deemed indigent and the fee would be paid for filing. Mr. Courtland replied it would be approximately 5200 cases, based on 1980 figures.

Approximately 8300 ADC and non-ADC cases were filed last year. If S. B. No. 253 is passed, an estimated 5200 cases would have a fee attached to them. The total estimated fees collected for Washoe and Clark County would be approximately $326,000. It would also have a substantial financial positive effect on the small counties that are strapped for revenue.

Mr. Martelle stated Nevada is the leading state in enforcing the child support enforcement program in all aspects nationally.

Senator Wagner asked what the average monthly child support payment would be. Mr. Courtland replied that in Washoe County the average is approximately $100 per month. He stated he would like to see the absent father, the obligor, required to pay the 10 percent fee in addition to the monthly child support payment.

Senator Raggio explained that the reciprocol enforcement law is now in effect in all states and if an obligor does not comply with an order, he can be charged criminally, he can be extradited, and can be forced to respond in a civil suit. By responding under the uniform reciprocol enforcement act, he avoids the other problems.

Mr. Martelle stated they would like to revise S. B. No. 253 further and meet with the committee at another time.

Mr. Bob Courtland stated if filing fees are not excluded in the amendments to S. B. No. 253, the District Attorney's Office will have to pay $58 every time they file a case. They would then have to try to get the fees back after they have paid the clerk's office. He felt the wording should be left in the bill.

Mr. Courtland stated he is in favor of having the obligor responsible for paying a fee because his non-payment of child support is the reason an action has to be brought and the taxpayer has to spend money. He felt the percentage fee should be at least 25 percent and they should have a self-supporting program.

SENATE BILL NO. 247:

Limits length of probation and use of presentence reports and provides for disposal of certain confiscated property.

Mr. Bud Campos, Chief Parole Officer, stated S. B. No. 247 has several aspects and from their point of view, is a fairly significant bill. It provides that the Department of Parole and Probation discontinue doing mandatory presentence reports on gross misdemeanors. S. B. No. 247 also limits the period

652

of time for which an individual can be on probation for a gross misdemeanor to two years. The present term is up to five years. The bill also provides a manner in which the department can dispose of contraband which they currently have and continue to pick up from offenders. The proposed amendments to S. B. No. 247 are attached hereto as Exhibit C.

Mr. Campos stated that by discontinuing presentence reports, they would be able to decrease their payroll by six people because presentence reports comprise about one-third of the reports they do for the court. He said the bill had been discussed with the judges throughout the state and they support S. B. No. 247. The feeling is that with the lack of alternatives for the person committing a gross misdemeanor, either probation or jail, the District Attorney is perfectly capable of presenting the negative factors in the case and the defense counsel is perfectly capable of presenting the positive factors leaving the Department of Parole and Probation out of the case entirely. It would also exclude the 30 days in jail for the individuals because it generally takes 30 days to get a presentence report.

Senator Raggio stated it would not only save the individuals who are being confined the additional period of time in jail but it would also save another court appearance.

Mr. Campos stated it might also reduce some of the plea bargaining, particularly in the cases where there is a substantial amount of restitution and a two-year period might not be enough time to make restitution.

With regard to Section 3 of S. B. No. 247, Mr. Campos explained there is no difference between the length of time a person can be on probation for a felony or a misdemeanor. The maximum term now is five years but they are proposing for gross misdemeanants or for persons who are on probation on a deferred judgment that the time be changed to two years. Mr. Campos felt there should be a difference between the punishment for a gross misdemeanor or a felony in terms of the length of time an individual can be on probation. They feel the first two years of probation is a critical time and keeping an individual on probation year after year is the reason their staff has grown from 27 ten years ago to 180 today. One of the things they are trying to do is reduce cost and reduce some of the things they are doing that are not really necessary. Mr. Campos stated, however, that S. B. No. 247 would have a slow affect on reducing staff or cost if it is passed because it will not get anyone off probation immediately.

653

Discussing Section 4 of S. B. No. 247, Mr. Campos stated the problem is that they confiscate weapons either as evidence or as what is referred to as contraband. Contraband weapons are those they cannot prove ownership of or that no one will claim. They accumulate and the only thing they can do with them now under the provisions of law are to destroy them. He distributed a photograph of the weapons for review by the committee. There are many good weapons that their department has no need for, but other agencies could use them.

Senator Hernstadt asked why, instead of destroying the weapons, the department cannot sell them and use the funds to further their program.

Mr. Campos replied that they first allow the person to ligitimately dispose of the weapons. Their intent is not to take advantage of the owner but if he has been convicted of a felony, he can never own firearms again under the Federal Firearms Act and cannot own them while he is on probation. He is usually given 30 days to get rid of the weapons. The department is not interested in auctioning the contraband but rather using them to trade for ammunition with ligitimate gun dealers. They spend approximately $20,000 a year for ammunition for qualifying and practice.

Senator Keith Ashworth asked whether the department tries to find the owners of the weapons. Mr. Campos stated that is the first thing they do and they try to find the original owners. The intent of S. B. No. 247 is to effectively get rid of the contraband. He stated they do not want to use public auction because they would have to register with ATF as a dealer, would have to keep federal logs of all types and they do not want to get into that.

Referring to page 3, line 14 and line 16, Mr. Campos stated there are two words that should be stricken and they are "weapons or." The way the bill drafter has the language, it sounds as if all property except weapons is being addressed, which is just the opposite of the whole intent of the bill.

Mr. Bruce Laxalt, Deputy District Attorney for Washoe County, stated they opposed the two provisions of S. B. No. 247, one which does not mandate a presentence investigation in gross misdemeanor cases and the other which reduces to two years the amount of probation time which may be given on gross misdemeanor or a deferred judgment.

Regarding the presentence investigation, Mr. Laxalt stated many cases result in gross misdemeanors which were originally charged as felony counts. They stem from very serious factual circumstances

and for some reason or another, is bargained down to a gross misdemeanor. It is usually because there are problems with the evidence and that is all they are able to get out of the case. In those cases, they need to know, the court needs to know, and the system needs to know both at the time of sentencing and later the background of that defendant. Mr. Laxalt could see no cases where a presentence report was not necessary to the court. He stated they have no access to a defendant, even after a plea or a conviction on a gross misdemeanor. They depend upon the reports and investigation of the probation service.

Senator Hernstadt asked whether changing "may" to "shall" on line 7 on page 1 would be more acceptable. Mr. Laxalt said the problem is it creates a presumption that a presentence investigation will only be done in special cases on gross misdemeanors. He feels the probation department should have their extra people and not cut staff because there should be reports on all gross misdemeanor cases since they are very serious cases.

Mr. Bill Curran explained that gross misdemeanor cases are normally felonies which, for some reason or other, are plea bargained by the prosecutor. Assault with a deadly weapon, attempted murder, battery with substantial bodily harm and sex cases very frequently become gross misdemeanors. In the typical case, no independent person ever interviews the defendant. A presentence investigation on a gross misdemeanor is frequently not over one or two pages.

Senator Raggio stated he did not agree that a gross misdemeanor was usually a very serious offense. It carries a maximum in the county jail of one year. He stated that in every case, the District Attorney's Office has some kind of report of the criminal record of the defendant before getting into a negotiated plea situation so by the time they negotiate the case to a gross misdemeanor, that background is already known and it does not take a presentence report to come to that conclusion. A presentence report in a felony case serves a valuable purpose. The court not only determines whether to grant probation but uses the report to determine what sentence should be imposed. Senator Raggio did not feel a presentence report should be mandated for every case. In the cases where the District Attorney's Office does not have the necessary background information, they can request a presentence report through the court.

Mr. Bill Curran stated he felt it was very important to have someone independent interview the Defendant.

Mr. Campos stated the presentence report is not prepared for the District Attorney's Office nor for the defense. It is prepared

for the court. He repeated that the judges have no opposition to this amendment to S. B. No. 247. In about half of the states right now, neither the District Attorney nor the defense counsel get copies of the presentence investigation. Mr. Campos stated it takes a comparable amount of time to investigate most cases and it is not the length of the report that takes the most time. The investigation averages about 10-1/2 hours per case.

With respect to Section 3 on page 2, Mr. Laxalt stated they felt the court should retain the discretion in most cases to determine the term of probation. With respect to the deferred judgment, there is no greater tool they have seen in keeping an individual on strict probation than deferred judgment.

Senator Raggio stated in some states the term of probation cannot be beyond the term an individual could be confined; however, to his knowledge, it has not been tested in the state of Nevada.

Mr. Campos stated the judges who had been contacted felt three years' probation would be preferred over the two-year period.

Mr. Laxalt stated they are not asking for five years probation in every case. They feel the judge should have that power in certain cases.

Mr. Larry Ketzenberger of the Metropolitan Police Department stated they have some concern with Section 4 of S. B. No. 247 as it relates to the delivery and disposal of weapons and property. He felt there should be some requirement that a report on all weapons confiscated from a parolee or probationer be forwarded to the law enforcement agency in the jurisdiction to give them a chance to compare it against some of their stolen property reports. There are times when a weapon could be a very good investigative tool for the police department.

Mr. Campos stated he felt the policies and procedures could be worked out between agencies instead of including it in the law. Mr. Ketzenberger suggested researching the current law as it pertains to impounding and sale of abandoned, stolen and recovered property.

Mr. Bob Lippold stated he felt a very accurate prediction can be made within the first six months of probation whether an individual is going to complete the probation successfully or whether he is going to create problems. He felt the two-year period of probation which is suggested under S. B. No. 247 is an optimum period of time and if an individual is going to violate probation, he will probably do it within that period of time or within the first year.

656

Senate Committee on Judiciary
March 4, 1981

SENATE BILL NO. 248:

Establishes definite duration for civil commitment in certain criminal cases and provides for review and renewal by court.

Mr. Bill Dunseath, Public Defender of Washoe County, stated it is the specific wording in Section 2 of S. B. No. 248 that he is concerned with which reads: "An involuntary admission to a mental health facility pursuant to subsection 1 expires at the end of 6 months . . ." He stated there are two types of commitment, a civil commitment and a criminal commitment. A civil commitment is basically where a family has someone who needs help, they go to the District Attorney and petition is prepared and entered to the court to have the person committed involuntarily. At the hearing before the court there is examination and testimony by two doctors, usually psychiatrists, then the individual is committed if found necessary. There is a provision in the civil statutes, NRS 433A.310, to terminate that commitment at the end of six months if the director of the mental institution does not see fit to ask for an extension.

Mr. Dunseath stated the criminal commitment is two types. There is the situation where an individual is charged with a crime, he is not able to stand trial and is sent to Lake's Crossing to be treated until he is capable of being tried. There is also the situation where an individual is adjudged not guilty by reason of insanity, which is an automatic commitment under NRS 175.521. He felt in the civil commitment the six month termination is quite proper; however, he did not feel it should apply in criminal cases.

Mr. Ken Sharigian, deputy administrator of the Division of Mental Hygiene and Mental Retardation, stated S. B. No. 248 does make amendments to the not guilty by reason of insanity commitment status and the not competetent to stand trial commitment status. He stated what the amendment does essentially is clear up a confusion that now exists in law. At the present time, it states if someone is found not guilty by reason if insanity, the judge then treats that person as if he is found insane as under the civil commitment procedures. The commitment expires in six months unless the Division finds and petitions the court for a renewal of the court commitment that the person is dangerous to himself or others or gravely disabled by mental illness. What the language in S. B. No. 248 does in the first section is states more specifically the civil court commitment status to which the person is referred after a finding of not guilty by reason of insanity.

Senator Raggio asked Mr. Sharigian if at the end of six months they would go ahead and petition for renewal as a matter of policy of if they automatically release an individual.

Mr. Sharigian stated there are only two or three people at Lake's Crossing who are committed for not guilty by reason of insanity. In one particular case, they repetitioned for court commitment three successive times. He stated they evaluate the same as they do in any other civil commitment.

Senator Ford asked how an individual is adjudged not guilty by reason of insanity. Mr. Sharigian explained that the individual has gone to trial, stated he was insane at the commission of the offense and the judge or the jury determine they were not guilty by reason of insanity. Those persons are held in the Lake's Crossing facility, which is a secure facility, and they are not held on an out-patient basis.

Senator Raggio asked Mr. Sharigian if in addition to the medical director, the Division would have any objection to having some other interested person at the end of six months bring a petition for renewal. He stated they would have no objection.

Mr. Sharigian suggested adding language to the effect that the Division could not discharge anyone during the six-month time period without prior notification to the court of ten days so the court will know the individual is going to be discharged. At the end of six months, if they were not going to re-petition, the court would have to have prior notification with copies to the Public Defender and District Attorney, or whatever interested parties, who could then make their concerns known to the court. Mr. Sharigian stated that procedure is presently being used in civil commitment cases.

Chairman Close asked Mr. Sharigian whether there is any follow-up when an individual is released concerning his ability to function and so forth. Mr. Sharigian stated there is some follow-up of the court committed persons. However, they do not have the legal authority to impose any further treatment. He stated a sanity hearing is called only after treatment when an individual has been declared incompetent to stand trial. In response to Chairman Close's question, Mr. Sharigian stated they would have no objection to following the same procedure with persons who have been adjudged not guilty by reason of insanity.

Mr. Sharigian stated the most restrictive commitment they have in the statute is the re-review every six months to see whether an individual continued to meet the criteria for being held and

treated against his will. In the event it is found that the individual is unable to function out in the community without support, the Division has to go back to the court for a recommitment. Mr. Sharigian stated that procedure is consistent with a national patient rights movement.

Senator Ford stated she has been contacted by a number of people who feel there should be a stronger review process before individuals are released.

Mr. Sharigian stated only two or three people a year would be in this category.

Mr. Robert Linderman with the American Civil Liberties Union of Nevada stated they would like to go on record as supporting S. B. No. 248. They think the bill provides significant safeguards both to the person admitted to a mental facility as well as the general public.

Ms. Marilyn O'Conner stated she is representing all the families who have had members committed to Lake's Crossing. She stated they support the bill but feel it should be a little stronger where the state hospital is concerned, because there are individuals released before they should be.

Mr. Bob Lippold suggested the problem might be solved by having a Sanity Commission composed of individuals who are not associated with the mental health facility of Lake's Crossing but instead are composed of a number of individuals who are competent to sit on the board and be an independent judging body rather than someone who is associated with the courts or with the mental health facility. Chairman Close stated the sanity commission now is not connected with the hospital.

Mr. Bill Curran stated they agree to allowing other interested parties to bring a petition for renewal, as suggested by Senator Raggio.

SENATE BILL NO. 250:

Repeals provision regarding change of judge.

Mr. Dennis O'Conner stated he did not feel an affidavit should have to be submitted 20 days before the date set for trial. He also felt that in NRS 1.240 a fee should not have to be paid for filing an affidavit to have a judge disqualified who is prejudiced.

Senate Committee on Judiciary
March 4, 1981

Senator Raggio explained S. B. No. 250 deals with preemptory challenges of a judge. The statute was changed during the legislature two sessions ago and went to the Supreme Court. The Supreme Court held that the act of the legislature was unconstitutional and the legislature had no right to pass NRS 1.235. They adopted their own court rule. The purpose of S. B. No. 250 is to remove what is now an obsolete statute.

SENATE BILL NO. 255:

Revises certain provisions concerning violations of parole and probation.

Mr. Bud Campos, Department of Parole and Probation, stated S. B. No. 255 primarily has to do with time configurations and is an amendment which will address the preliminary inquiries which they are now required to hold under Nevada law. The first change appears on line 12 on page 1 which states that a person who is convicted of an offense while on parole is not eligible for any credit pursuant to this section for time he has spent in confinement. The reason they want the language is that in another section of Nevada law it states that if someone is convicted of a new offense while under sentence of imprisonment, as in the case of a parolee, then the new sentence has to be consecutive. Some Nevada judges have not been able to grasp the idea that parolees are receiving prison credit for every day they are on parole so regardless of whether they are in prison, in the community or confined to county jail on a new offense, that credit keeps going on the original offense. If the judge gives them credit, the individual is receiving double credit for the time spent in the county jail. He is receiving it on the offense he is on parole for and is receiving it again on the new offense which under law has to be consecutive.

Senator Don Ashworth stated the way he interprets the statute, if an individual broke his parole he would not be eligible for credit for the crime he had just committed. To vitiate the confinement under the other crime would result in a constitutional problem. Mr. Campos stated it should more appropriately read, "... for time he has spent in confinement on the subsequent offense." It is aptly applied to the original offense.

With regard to Section 2, Mr. Campos indicated there are some language changes for the most part. He explained the reasons for the changes on lines 11 and 12 on page 2. He stated when they arrest or place a hold on a person for a violation of parole or probation, that person is entitled under Supreme Court law to what is called a preliminary inquiry which is analogous to a preliminary hearing in a criminal matter except judicial

officers are not involved. When Nevada law was written to comply with the Supreme Court decision, it was felt that some action should be taken in 15 days if someone was in custody. What the Division is finding now, particularly inasmuch as placing a hold is analogous to an arrest, is that if a person is arrested for violation of probation and then not enough evidence is found to proceed and the hold is withdrawn but if later is convicted of that crime in District Court, the Division cannot then go back and start a revocation process because the hearing was not done within 15 days. What S. B. No. 255 asks is that the 15-day rule stays in effect if the person is in confinement but if he is released, then that 15 day period stops and the Department of Parole and Probation can come back at a later date if the person is convicted and renew the revocation. The amendment does not ask for any specific time period.

SENATE BILL NO. 256:

Makes various changes in provisions regarding presentence reports.

Mr. Bud Campos stated the first change they requested was omitted by the bill drafter. He stated there are a lot of arguments that the court is not entitled to certain information from the Department of Parole and Probation. The language they are using in the amendment to S. B. No. 256 is plagiarized directly from federal law.

With regard to paragraph 2 of Section 2, Mr. Campos stated there is a lot of confusion in the state of Nevada in the different counties, among judges, among county clerks and so forth as to what should be done or who should have access to a presentence report after the fact. They feel the presentence report is not a public record.

Mr. Campos explained that Section 3 of S. B. 256 addresses confidentiality. Under 62.270, the juvenile law, the records in juvenile matters are privileged and in order for the Parole and Probation Department to obtain them, they have to have a court order. The amendment states the privilege of confidentiality of a juvenile conviction is fine unless a person is convicted in a District Court as an adult. The court needs the information and the reason for the privileged information no longer exists if he is convicted as an adult. His juvenile record does not matter anymore. The present law very specifically limits the department's access to juvenile records necessary to prepare a presentence report for the court. They only prepare presentence reports when the person is convicted in the District Court.

661

Mr. Campos stated Judge Mendoza, the juvenile judge in Las Vegas, recommended the amendment. Anyone requesting the information, however, would have to show the juvenile had been convicted as an adult which would be set out in policy and procedure.

SENATE BILL NO. 252:

Revises provisions relating to parentage. Strengthens provisions for assignment of earnings in child support cases and revises provisions for reciprocal enforcement of supports.

Senator Don Ashworth reported that he talked to Judge Thompson and was informed that the matters contained in S. B. No. 252 were handled by masters. He talked to the master who stated they used it all the time. Presently, it is not being used in Douglas County but there may be a need to begin to use it. The problem with assignment of earnings is that if an employer wants to fire an employee because of assignment of earnings, they can always find a legitimate excuse.

Senator Raggio moved that the minutes of the meetings of February 24, 25 and 27, 1981 be approved.

Senator Wagner seconded the motion.

The motion carried unanimously.

There being no further business, the meeting was adjourned at 10:55 a.m.

Respectfully submitted by:

Iris B. Parraguirre

Iris B. Parraguirre, Secretary

APPROVED BY:

Mel. D. Close

Senator Melvin D. Close, Chairman

DATE:

Mar. 11, 1981

662

SENATE AGENDA EXHIBIT A

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213.

Day Wednesday, Date March 4, Time 8:30 a.m.

S. B. NO. 247--Limits length of probation and use of presentence reports and provides for disposal of certain confiscated property.

S. B. NO. 248--Establishes definite duration for civil commitment in certain criminal cases and provides for review and renewal by court.

S. B. NO. 249--Permits admonishment of jury by officer of court other than judge.

S. B. NO. 250--Repeals provision regarding change of judge.

S. B. NO. 255--Revises certain provisions concerning violation of parole and probation.

S. B. NO. 256--Makes various changes in provisions regarding presentence reports.

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON JUDICIARY

EXHIBIT B

DATE: 3-4-81

PLEASE PRINT NAME	PLEASE PRINT PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
[illegible] Dureen?	Parole & Probation	885-50[illegible]
Bill [illegible]	Welfare Div.	885-4744
Bob Nelson - [illegible]	Washoe County [illegible]	[illegible]
Bob [illegible]	Washoe Count DA	[illegible]
Ron Shapiro	[illegible]	[illegible]
Carolyn [illegible]	[illegible]	885-[illegible]
[illegible]	[illegible]	885-5035
[illegible]	[illegible]	5040
[illegible]	Washoe Co DA	[illegible]
Bill Curran	Clark Co DA	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	ACLU	[illegible]
[illegible]	Public [illegible]	785-4[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

INTER-OFFICE

Memo

FROM THE DEPARTMENT OF PAROLE AND PROBATION :: STATE OF NEVADA

EXHIBIT C

To: SENATE JUDICIARY COMMITTEE

Date: March 2, 1981

From: A.A. CAMPOS, CHIEF

Copies:

Re: SUGGESTED AMENDMENT TO SB256

Deadline:

176.145 REPORT OF THE PRESENTENCE INVESTIGATION.
No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a District Court may receive and consider for the purpose of imposing an appropriate sentence.

P&P Form 22

INTER-OFFICE

Memo

FROM THE DEPARTMENT OF PAROLE AND PROBATION :: STATE OF NEVADA

To: SENATE JUDICIARY COMMITTEE

Date: MARCH 3, 1981

From: A. A. CAMPOS, CHIEF

Copies:

Re: SUGGESTED AMENDMENT TO SB256

Deadline:

INSERT BETWEEN LINES 10 AND 11, PAGE 2:

2(b) Records which have not been sealed and are required by the department of parole and probation for preparation of presentence reports pursuant to NRS176.135, shall be opened upon verification of the person's authority so requesting.

P&P form 22

INTER-OFFICE

Memo

FROM THE DEPARTMENT OF PAROLE AND PROBATION :: STATE OF NEVADA

To: SENATE JUDICIARY COMMITTEE Date: MARCH 3, 1981

From: A. A. CAMPOS, CHIEF Copies:

Re: SUGGESTED AMENDMENT TO SB255 Deadline:

INSERT BETWEEN LINES 18 AND 19, PAGE 2:

4. Conviction of a Federal, State or local charge committed subsequent to the granting of probation shall constitute probable cause for the purpose of this section and no inquiry shall be required.

AND, BETWEEN LINES 35 AND 36, PAGE 2, AMEND BY ADDING:

3. Conviction of a Federal, State, or local charge committed subsequent to release on parole shall constitute probable cause for the purpose of this section and no inquiry shall be required.

P&P Form ::

INTER-OFFICE

Memo

FROM THE DEPARTMENT OF PAROLE AND PROBATION :: STATE OF NEVADA

To: SENATE JUDICIARY COMMITTEE

Date: MARCH 3, 1981

From: A. A. CAMPOS, CHIEF

Copies:

Re: SUGGESTED AMENDMENT TO SB247

Deadline:

INSERT BETWEEN LINES 22 AND 23, PAGE 3:

Such property, which ~~SB247~~ constitutes illegal contraband, shall become the property of the Department and disposed of pursuant to the provisions of this section.

668