

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 21, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:10 a.m., Tuesday, April 21, 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 MEMBER PRESENT:

Shirley LaBadie, Secretary

ASSEMBLY BILL NO. 341--Limits requirement to exclude or eject undesirable persons to certain gaming establishments.

Ms. Patty Becker, Deputy Attorney General, Gaming Division, stated A. B. No. 341 clarifies the original legislative intent of the black book legislation over the list of excluded persons. The division has been challenged that the legislation is unconstitutional and over-broad. This would prevent a person from going into an airport or 7-11 because games included slot machines. Mr. Stratton signed an affidavit, accepted by a judge, which stated the division has only enforced the provisions of the black book to gaming establishments where there are table games.

Ms. Becker stated that Mr. Daykin, Legislative Counsel had redrafted a portion of the statutes. There is new language on page 2 which the gaming control board requested. This appears on lines 6 through 11, and is a new criteria which the board can use in determining if a person should be included in the list of excluded persons. This statute conforms to what is the original legislative intent, it is only a clarification.

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Chairman Close asked Ms. Becker to review the language on page 2, starting with line 6. Ms. Becker stated in making the determination as to who should be included in the list of excluded persons, the board can consider a violation or conspiracy to violate the provision of this chapter, relating to the disclosure of an interest in or control of a gaming establishment. This would allow that if there is a hidden interest in a establishment and the licensees knew about it and did not disclose this to the board, that could be a consideration.

Senator Keith Ashworth stated in reviewing this section, he felt the interpretation was too loose. Senator Close stated he felt the language needed to be rewritten and be made more specific. He also felt the language on lines 16 and 17, page 2 was too broad. Line 14 needs to be clarified, the word seeks is inappropriate.

Ms. Becker advised the committee she would bring back the new proposed language later to present to the committee.

SENATE BILL NO. 529--Provides for random selection of jurors by computer.

Ms. Anna Peterson, Court Administrator, 8th Judicial Court, and Gladys Brown, Assistant appeared in behalf of S. B. No. 529. Mr. Peterson stated there were seven major changes in the jury program and selection that will make some minor changes in the bill and hoped the committee would approve. She stated the jury system was changed a year ago. In the past a jurist was summoned which involved three steps. A qualification was sent out, then a summons was issued for a certain day, and then a follow up notice was sent out. That has been compiled into one summons serving which saves on postage and forms. Approximately 4,000 jurors a month are summoned to obtain the number needed for the jury trials being held. The old method took three days to process, now the county data processing service is being used which randomizes them all by computer. A list is sent out which is ready to go and can be divided by four and summons sent out. This has cut down the time needed to pick a jury. It originally took several days, now the time is one or two hours. The first persons coming in are randomized, major questions are before the judge and have been answered by the people.

The source list is the third major change. In the past Nevada had used four lists, voter's registration, tax roll list, dog license list and sanitation billing. The problem with these lists is that there is a duplication of names. The lists were cut down and only the voter's and driver's license lists were used. However this only helped approximately three percent.

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Ms. Peterson stated only the driver's list is being used. It gives a broader selection and more names are needed. Statistically it has been found the greatest savings is made by the elimination of half of the people being called in. Instead of pulling in two hundred a day, one hundred are being called. The judges have cooperated by having criminal cases in the morning and civil in the afternoon.

Ms. Peterson stated another big help has been a sophisticated piece of equipment called pari-phonics which has been installed. A person calls in and they are told when to come and if they are needed. The person is not inconvenienced nor paid under this system. Once a person comes in, a personal orientation is done for every juror.

Ms. Peterson said the major change is the time of service. Previously the time service was for 60 days, on call. People are inconvenienced under this system. Now the system is one-day, one-trial, which means a person receiving a summons serves for one day and excused for two years. This was started nine months ago.

Senator Hernstadt suggested the identification list from the Department of Motor Vehicles be used for potential jurors. Senator Raggio stated approximately one-fourth of the list was undeliverable. Ms. Peterson stated this is a common problem. Ms. Peterson presented the committee with prepared information on S. B. No. 529. See Exhibit C kept with the secretary's minutes.

Ms. Peterson stated one of the most important factors is the savings of thousands of dollars with this program. Ms Gladys Brown presented the figures on the savings. See Exhibit D attached hereto. Ms. Peterson added an average of six trials more a month are being heard with these savings.

Chairman Close asked what the reasoning was for using the computer. Ms. Peterson stated a flow chart was included in the handout, Exhibit C, on the computer and how it works. The reason for the computer is the efficiency, randomization and the time involved. Ms. Peterson stated the selection of jurors in Washoe County is still done by hand and this bill would not change that system.

Ms. Peterson advised the committee that Mr. Zelvin D. Lowman had written the plan which resulted in a federal grant being given. She advised the committee that Loretta Bowman had backed the proposed changes. The bill does make a major change it was under the country clerk, the judges deemed it to be under the district court.

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Senator Raggio asked why the bill is needed if the procedures are already in effect. Ms. Peterson stated they would like it legal.

SENATE BILL NO. 530--Eliminates all exemptions from service on juries.

Chairman Close reviewed with the committee the list of all persons exempted under the present law. Ms. Peterson stated the exemptions were placed in the law because of tying up lives for sixty days, now in most cases is a one-day trial. However now more people are needed and the exemptions eliminated a considerable amount of available jurors. Chairman stated rather than eliminate the entire list, it should be reviewed by the committee and a final decision made. Ms. Peterson stated the persons disqualified on the list would not be changed. That would include persons not citizens, ones that can not read or write, physically or mentally incompetent, or those with criminal convictions.

Ms. Peterson advised the committee if a person calls in three times, that is as good as if the day is served. Committee discussion resulted in the suggestion the exemption list be changed upon further review.

SENATE BILL No. 544--Provides procedure whereby vendor of contract for conveyance of real property may elect to declare forfeiture upon default.

Senator Thomas R. C. Wilson stated S. B. No. 544 was prepared and introduced by the Committee on Commerce and Labor and referred to Senate Judiciary because of the jurisdiction. He stated the bill is a predictable and set method of handling a default where a promissory note secured by a deed of trust on real property for years in limbo has been the contract of sale. It develops from a situation where a person does not execute a deed of trust, it is a contract of sale, not a record and he defaults, the third party buyer defaults. This bill will provide a standard procedure for foreclosure on the purchaser's interest. Senator Wilson stated the bill addresses a contract of sale. He said he had requested the bill from the bill drafters with the general instruction to prepare language which would standardize a foreclosure procedure for the contract of sale. The law needs clarification, this bill may not be a total remedy however.

Mr. Frank Daykin, Legislative Counsel, referred to Section 2, line 9, and stated the law was copied from the law in California, but is relatively common. What is being distinguished is between

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the land contract. He is trying to exclude the ordinary situation where the vendor agrees to sell, the purchaser agrees to buy, there will be an escrow, title will pass when the financing done and the papers are in order. It is not an installment contract. Mr. Daykin stated there is a conceptional problem in the bill which was not solved in copying standard language. He said the language "escrow instructions" is misleading. Mr. Daykin said another attempt should be made to rewrite the underlying definition from the standpoint of clarifying the reference to contracts not to be performed within one year.

Chairman Close asked Mr. Daykin why a document must be recorded as required in Section 2, subsection 2. Mr. Daykin stated the reason is that a person with an interest has specified rights under this act, of course a vendee who does not record his contract has rights of common law but this is a requirement that if he is going to enjoy the special privileges of this phase, he must record. Chairman Close stated many people want to avoid recording for the purpose of avoiding acceleration. Mr. Daykin stated that person has a problem anyhow because the vendor can resell the property as many times as he wants and each person is a bonified purchaser because there was no record. That kind of situation is beyond help.

Mr. Daykin stated a similar statute had been in effect in Ohio for approximately 20 years, according certain protections to the purchaser under an installment contract of sale. It does require recording, they do not use a deed of trust, they use the mortgage. Ohio is a title state so the foreclosure of the mortgage is no more complicated basically than the deed of trust.

Senator Wilson stated the foreclosure question could be approached in the following manner. If the contract provides for notice, there is nothing wrong in telling the seller, they should go to the recorder's office and file a notice of default, whether or not the contract of sale is of record at the time of default. Senator Raggio said this does not specify the vendor has to record this contract. Mr. Daykin agreed, the buyer enjoys the rights only if the contract is recorded.

Senator Wilson stated the contract of sale would provide for a grace period in which to cure a default. Mr. Daykin stated the graduation of days was in the material presented for the original bill draft and was the reason it was placed in the bill. He added the same options could be given which the holder of the deed of trust now has. He can cause the trustee to exercise the power of sale upon certain notice, then he can sue for a deficiency only if he follows the procedures in NRS 40 and the same thing could be provided with respect to the contract for sale without a deed. In that case, it would be the vendor himself

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who exercised the power of sale. Discussion of the committee with Mr. Daykin resulted in a redraft of S. B. No. 544 by the bill drafters which would be presented later to the committee.

SENATE JOINT RESOLUTION 31--Proposes to amend constitutions to permit salaries of all justices of supreme court and district judges to be increased at same time.

Chairman Close advised that an amendment had been drafted which sets out that the legislature has the right to fix the salaries of the governor, secretary of state, treasurer, controller, senators, assemblyman, and so forth. He asked Mr. Daykin, where in the constitution does this allow for this. Mr. Daykin stated in Article 17 of the constitution certain salaries were set. With respect to any other officer, you can set the salary and change it at any time.

Chairman Close stated the consensus of the committee is that it take out all of the new language and make a new section which says the legislature can increase or diminish judges salaries during their term of office. They also wanted to go back to staggered terms and put this all in one bill. Mr. Daykin said there is a proposed joint resolution which would establish the staggered terms, which is S. J. R. No. 32.

Senator Raggio said if a better explanation is placed on the ballot, the need could be better explained to the public. Mr. Daykin said, in that case, all that is needed amendment of Section 15 of Article 6 and S. J. R. No. 32 dealing with the staggered terms. Chairman Close returned the amendment to Mr. Daykin for redrafting.

SENATE BILL NO. 400--Prohibits acceleration of debt upon sale or transfer of real property.

Senator Hernstadt stated he did not feel good about processing the bill. Senator Wagner advised the committee a newspaper article had indicated that people having their house up for sale and having the down payment based on the current mortgage, and because they cannot come up with the extra interest, they are supporting two homes. Senator Hernstadt stated this is because of a national economic problem and a tight money situation. All this bill would accomplish is guarantee variable rate mortgages or short-term mortgages if it is processed.

Senator Ford asked for an explanation of what would happen if the bill is passed as is as to the July 1 date. Chairman Close stated it would mean that due on sale clauses in any mortgage before July 1, and a house had been financed two years ago and

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sold it, it would still be a due on sale clause. This would apply only to those new mortgages after that point. Chairman Close stated people with existing mortgages with due on sale clauses would still have their mortgages called on sale if that language is left in.

Chairman Close stated the people who want the due on sale clause taken out, are those people who have mortgages taken out prior to July 1, 1981. Senator Ford stated she did not think that was reasonable. Senator Hernstadt stated if the bill is processed in its present form, it would guarantee there would be no more fixed rate loans issued in this state. If the date is taken out, it would make it retroactive to all mortgages.

Senator Don Ashworth stated if the bill is passed, there will no longer be a fixed rate in the state. This will happen, but it would be forced sooner if S. B. No. 400 is passed.

Senator Raggio stated the bill should apply to all existing mortgages on small residential properties, or even limited to single residential properties. He felt bad practices have allowed this to happen. He felt the bill should be amended to delete after July 1, 1981 and have it apply to single residential properties and process the bill.

Further discussion of S. B. No. 400 resulted in the following action:

SENATE BILL NO. 400

Senator Hernstadt moved to indefinitely postpone S. B. No. 400.

Senator Keith Ashworth seconded the motion.

The motion carried. (Senators Wagner and Raggio voted against the motion. Senator Don Ashworth did not vote.)

SENATE BILL NO. 449--Permits diversion of telephone lines in situations involving hostages and recording of conversations with permission of one party. (Exhibit E)

Committee discussion resulted in an amendment to change the language in Section 2, line 6, as to the following after threatened: or is barricaded and has committed a crime or believed to have committed a crime and is resisting apprehension through the use or threatened use of force. On line 8, language should also be added as follows after or, in which is barricaded. The committee

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decided to leave the amendment in NRS 179, rather than move it into another chapter as requested in the hearing.

SENATE BILL NO. 449

Senator Hernstadt moved to amend and Do Pass S. B. No. 449.

Senator Don Ashworth seconded the motion.

The motion carried. (Senator Wagner voted no.)

SENATE BILL NO. 529--Provides for random selection of jurors by computer. (Exhibit F)

Senator Wagner moved to amend and Do Pass S. B. No. 529.

Senator Hernstadt seconded the motion.

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

The following bill drafting requests were presented and received for committee introduction:

BDR 5-1797 (Welfare) (S.B. 578)

Requires certain hearings after placement of foster child.

BDR 11-64 (Bill Drafters) (S.B. 579)

Removes duplicative statutory language and supplies omitted provision concerning marriage.

BDR 11-1859 (S.B. 580)

Requires marriage license to bear the seal of the county.

BDR 12-865 (S.B. 581)

Makes various changes in provisions regarding estates of decedents.

BDR 38-1634 (Welfare) (S.B. 576)

Provides penalty for fraud committed by physician providing care for medically indigent.

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There being no further business, the meeting adjourned at 10:40
a.m.

Respectfully submitted:

Shirley LaBadie
Shirley LaBadie, Secretary

APPROVED BY:

Melvin D. Close, Jr.
Senator Melvin D. Close, Chairman

DATE: April 29, 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213
Day Tuesday, Date April 21, Time 8:00 a.m.

AMENDED MEETING SCHEDULE

4-15

S. B. No. 529--Eliminates all exemptions from service on juries.

S. B. No. 530--Provides for random selection of jurors by computer.

S. B. No. 544--Provides procedure whereby vendor of contract for conveyance of real property may elect to declare forfeiture upon default.

A. B. No. 341--Limits requirement to exclude or eject undesirable persons to certain gaming establishments.

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DATE: April 21, 1981

EXHIBIT B

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME

ORGANIZATION & ADDRESS

TELEPHONE

Anna Peterson District Court 200 E. Carson 386-4278

Shelby Brown District Court 200 E. Carson 386-4277

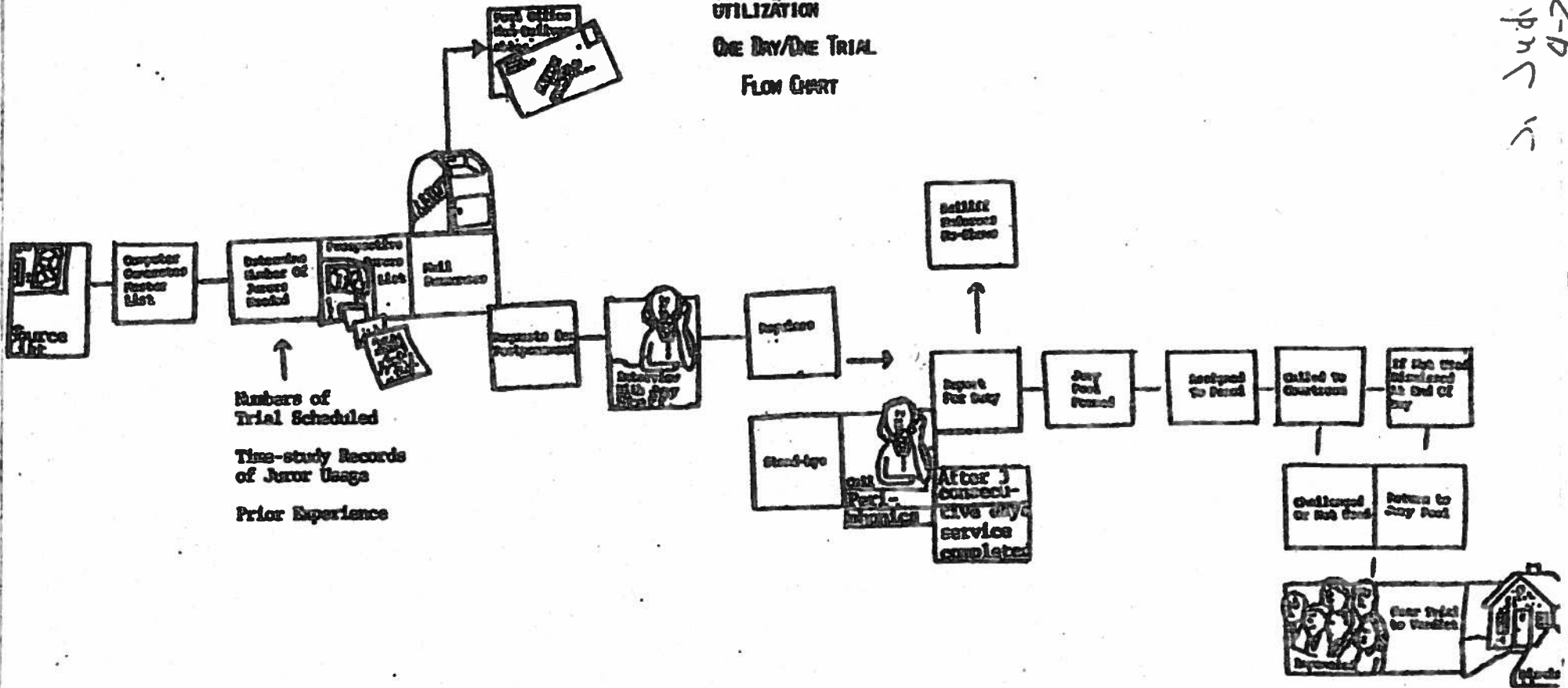
Robert Petric Clark County School Dist 736-5317

EIGHTH JUDICIAL DISTRICT OF NEVADA

JUROR SELECTION AND UTILIZATION

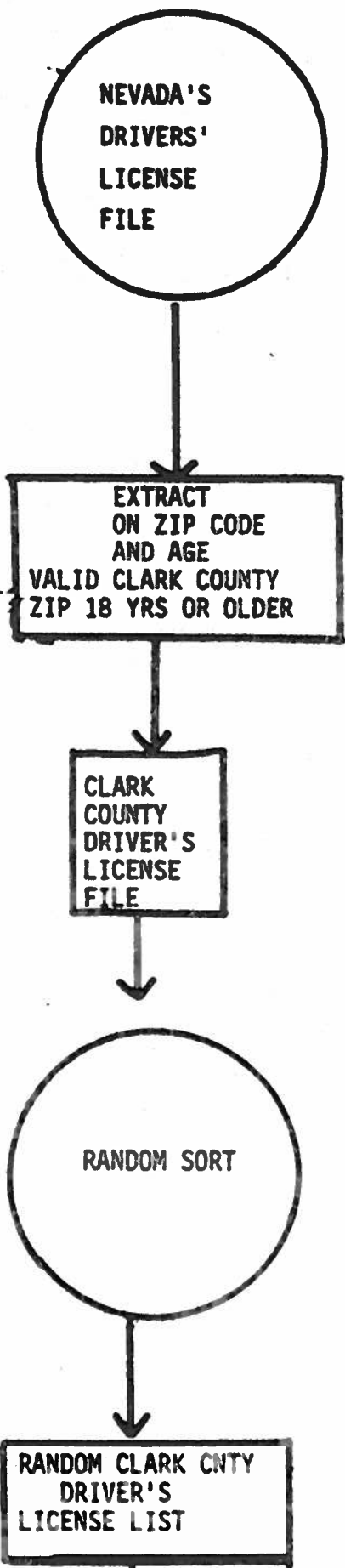
ONE DAY/ONE TRIAL

FLOW CHART



NR 12-b
4-21-87
Judicial

FLOW CHART OF COMPUTERIZE
JURY SELECTION



THIS SORTS ON DIFFERENT AREAS OF THE INPUT RECORD THAT CONTAINS UNKNOW DATA TO JUMBLE UP THE FILE.

FROM PAGE 1

RANDOM
CLARK COUNTY
DRIVER'S
LICENSE FILE

CONTROL
CARD

SEE PAGE 3

RANDOM
CLARK COUNTY DRIVERS'
LICENSE FILE

RANDOM SELECTION

RECORDS COUNT

C5020203

RANDOM SELECTED RECORDS
ARE NOW TAGGED WITH BURBR.
NUMBER, AND A DATE SELECTED.
THIS TAPE IS INPUT TO
C5020203 FOR THE NEXT JURY
REQUEST..

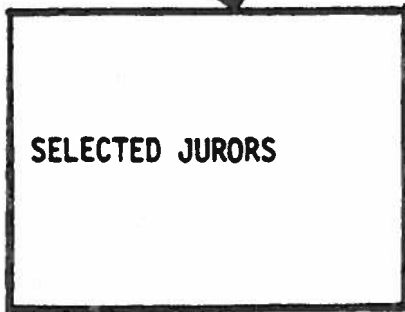
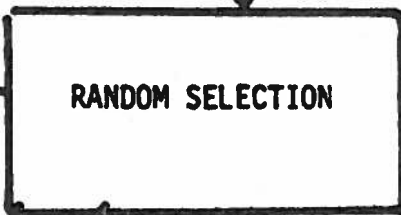
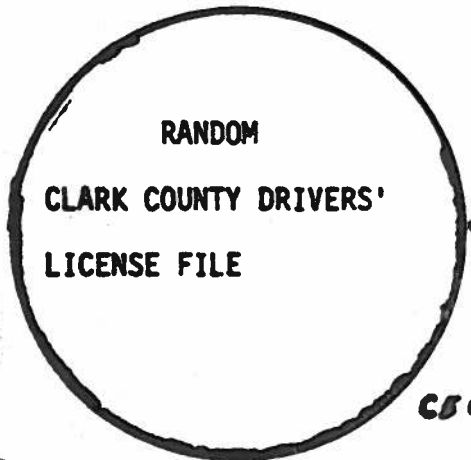
SELECTED JURORS

SELECTED JURORS

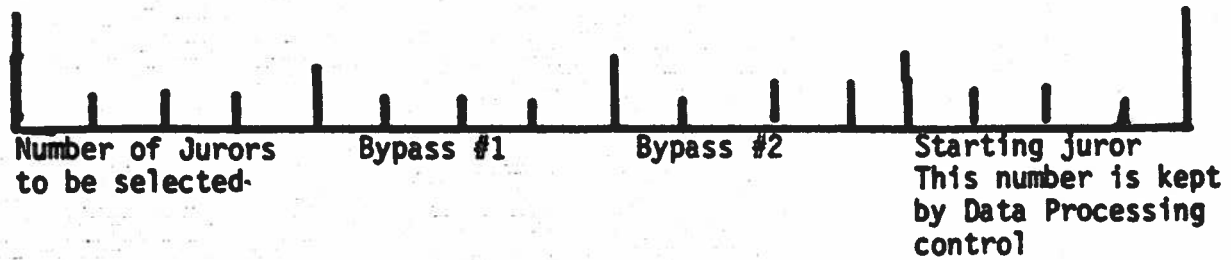
THESE TWO FILES ARE
IDENTICAL EXCEPT ONE
IS ON TAPE, THE OTHER
ON DISK.

SENT TO
CLERKS'
OFFICE TO
PRINT JURY
SUMMONS

TO PAGE 3



CONTROL CARD FOR C5020203



If there is 300000 records on the Master List, and the Jury Commission wants 6000 records selected then the Control Card would be made up as follows:

0.6 0.0 0.0 0.0 0.5 7 0.0 0.3 8 1.5 9.1 2

$$6000 - 284089 = 47.3$$

1. PRIOR TO THIS RUN THERE WERE 15911 RECORDS SELECTED FOR OTHER JURIES, LEAVING 284089 LEFT ON THE MASTER LIST FROM WHICH TO SELECT.
2. TO SELECT 6000 RECORDS WE HAVE TO SELECT 1 FOR EVERY 47.3 RECORD ON ON THE FILE. TO CHANGE THE AVERAGE AND NOT SELECT EVERY 48th RECORD, WE DOUBLE THE NUMBER AND SELECT 2.

$$47.3 + 47.3 = 94.6 \quad \text{FOR EVERY 94.6 SELECT 2}$$

BYPASS 57 SELECT 1 or BYPASS 17 SELECT 1

BYPASS 38 SELECT 1 or BYPASS 78 SELECT 1

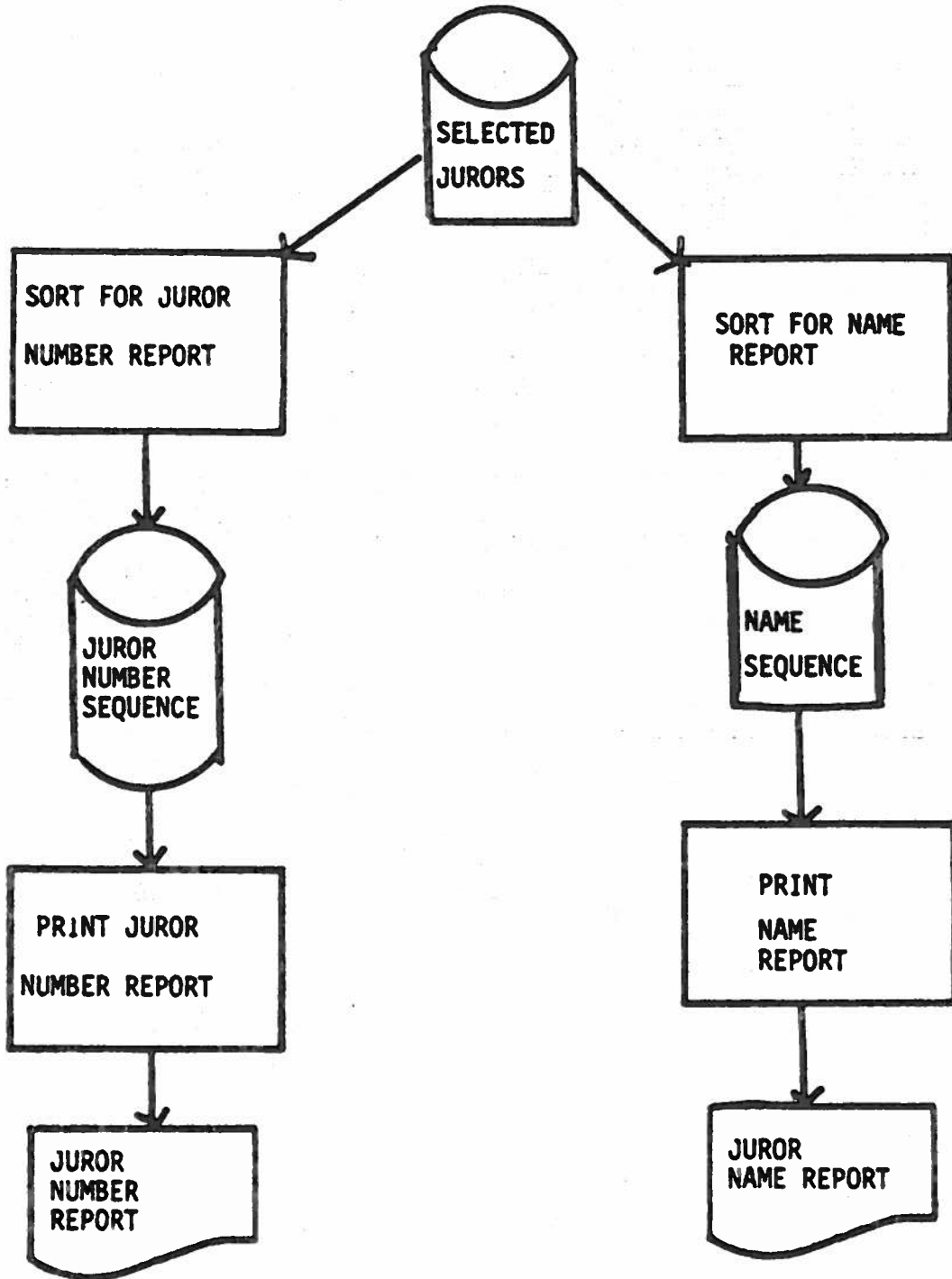
95

2

95

2

from page #2



MANUAL VERSUS ELECTRONIC SYSTEM

COMPARISON OF OFFICE DUTIES

Under the manual system, all the prospective jurors names and addresses were key-punched on individual 5x1 1/2 inch cards, and stored in a drum. Every two months, a quantity were physically pulled out of the drum by the Jury Commissioner or Deputy; approximately three thousand, five hundred for a two month period. The computer number assigned to each name would then be entered into the computer and the drum cards put into alphabetical order. These first three steps may have taken anywhere from three to five days to complete.

Date Processing then created a tape of the numbers entered into the computer and qualifying questionnaires sent to each name on the tape. The questionnaires were sent with reply envelopes, with instructions to fill out and return. As the forms were returned to us, they were perused and, from the information supplied, a determination made whether to excuse or postpone or keep as a prospective juror. All changed input from the questionnaire was then entered into the computer, e.g; change of name or address, occupation, phone numbers, milage to courthouse, and excuse code, if any. These forms were then filed alphabetically.

The qualified jurors left were then sent a summons which included a stamped, pre-addressed receipt, to be signed and returned to the Jury Commissioner. Along with

the mailing of the summons, an index card was typed for each individual giving all pertinent information, with a grid to keep track of the month and days served. These again were put into an alphabetical file, bringing our total to three, of different batches of papers filed alphabetically.

The reply cards returned to us with a signature, acknowledging receipt of summons, had the summoned date on it. The corresponding index cards were then pulled and put into a date file - again alpha order. Also at this time, the drum cards were pulled and arranged in date and alpha order.

Any summons that might have been returned as undeliverable, were so entered on the computer and index card. Those people summoned who were later excused, were marked as such on their card and the computer and put in an "Excused" file. The summons reply cards were also kept and filed.

The term of service under this system was two months; with summonses being sent only for the first month. Consequently, there were always too many people left in the date file than were actually needed on a given Monday. The next step then would be on the Thursday and Friday preceeding the Monday, to call a certain amount of jurors to postpone their appearance to another day that week, or inform them we would notify them by mail of their next

appearance date for the following month. Those postponed to a date certain were filed accordingly, with the rest put into a "carry-over" file. We would also try to contact those people who had not signed and returned their card to verify their receipt and appearance date.

The next step to get ready for Monday morning would be to randomly divide each juror index card into however many panels were needed. The corresponding drum cards were pulled and set aside to go into the courtroom, along with an alphabetical list which we typed from the index cards. The list would indicate the courtroom assignment as well as name, address and occupation.

Each panel was assigned a different letter starting with "A". After each panel was given a letter, a master work sheet was prepared alphabetically showing the panel letter assignment opposite each name. This was used during check-in Monday morning, when everyone was given a slip of paper with their panel letter on it. The last step on Friday would be to deliver several copies of the panel list, along with the drum cards to each particular court clerk; and finally to type a pay voucher for each person requested to be present.

Everyone who was excused after receipt of summons, was mailed an excusal confirmation, and their excusal request kept in an alphabetical file. Those people designated "carry-over" were mailed notice of their appearance date approximately two weeks prior, with any changes

made over the phone, and the index cards filed and refiled accordingly. This information was, of course, entered into the computer. Those persons postponed to a different two month cycle, were mailed a confirmation letter, the index cards filed separately, the computer input changed, and a new appearance notice mailed at the appropriate time.

At the end of a given cycle, all the index cards were filed into a main alphabetical file in among those whose service had been previously completed. These index cards, questionnaire forms, and excusal requests, were kept in the Jury office for a period of two years; this being the period a juror was exempt from future service. Needless to say, it was a constant struggle to keep everything filed up to date in its proper place, so as to be readily accessible. For this purpose, we had the use of four filing cabinets, as well as numerous small index card files. A good portion of each day was given over to filing, mailing letters, rearranging and refiling.

Contrast this to what we do at the present time. A tape is created in Data Processing containing all the names we will need for a certain period. From this tape, summonses are printed and mailed. One summons packet goes out containing the qualifying questionnaire, notice to employer, and the summons giving the date of appearance and all necessary information.

A certain amount of summonses sent are designated as "standby", with instructions to call Periphonics, a pre-recorded message unit, to find out if they are in fact needed to appear.

The undeliverables are returned, indicated as such in the computer and shredded. Those that come back with a new address in Clark County are sent back to Data Processing for correction to be used at a later date.

Those people who call in requesting an exemption or postponement are handled as much as possible over the phone. They are informed that they are excused or given a new report date. Office personnel fill out a simple form so that the information can be input into the computer.

Those who mail us a letter requesting an exemption or postponement, are acknowledged by phone or mail, the information input into the computer, and the letters filed and held for two months only.

Prior the each report date, we receive an updated list of those still on the computer as "good". We see how many names are left and, through gained experience, can pretty well predict how many people will actually appear. We know the panel demand by each Friday and the determination is made if any standby jurors will be needed. That information is input into the computer, which in turn is relayed to the juror when he calls into the Periphonics unit.

Monday morning, the juror checks in, relinquishing the filled out questionnaire and receives a number at random. That number is put on the questionnaire and on a badge which the juror will wear throughout the day.

The questionnaires are put in numeric order and drum cards typed with the persons name and assignment number. The total number of questionnaires are then broken up into panels according to need, copies of the questionnaires themselves made and the total package put together ready to send to the courtroom. Pay vouchers are typed at this time for each individual reporting. Sometimes, the court clerk will pick up the lists and cards ahead of time; otherwise the baliff will come and get the list and people at the same time.

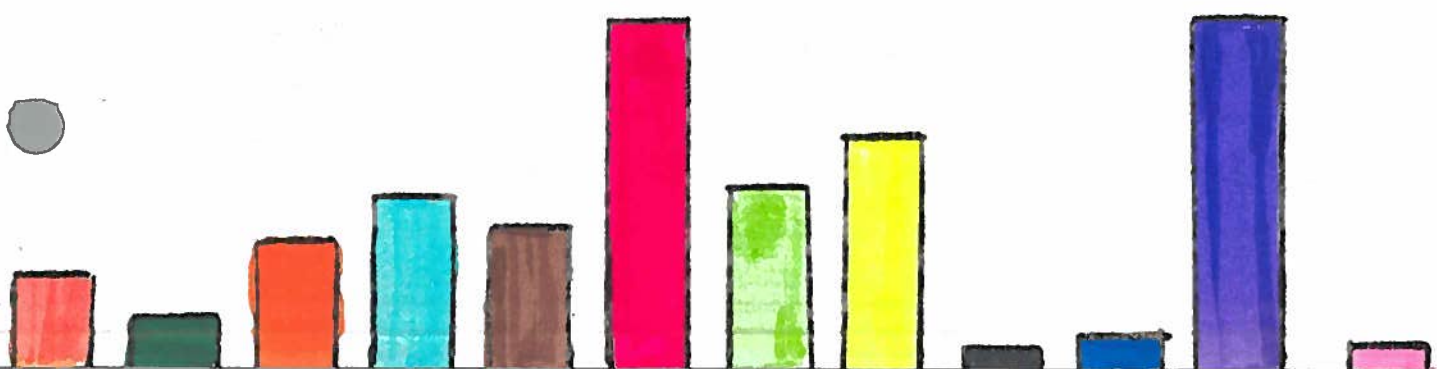
The original questionnaires are retained in this office and at the end of the day banded together and marked with the date of appearance, and kept in a file cabinet. We now use only two standing file cabinets, and no index card files are necessary. The records are kept for two months and then shredded.

At the end of each day the information is input into the computer as to who did appear, and at the end of trial those that were sworn in. At the end of the month, each juror number is checked and those on standby who did call in are marked "obligation complete" and those we never heard from marked "no response".

One thing that has not changed is that we keep and file alphabetically a carbon copy of each persons pay voucher.

DISTRIBUTION OF JURORS SUMMONED MONTH OF JANUARY 1981

CITIZENSHIP OR LANGUAGE	(red)	1.72%	UNDELIVERABLE	(pink)	26.17%
CONVICTION	(green)	0.59%	REPORTED/NON-SEL	(light green)	8.04%
MEDICAL/DIABILITY	(orange)	5.57%	MISCELLANEOUS	(grey)	0.27%
LEGAL EXEMPTIONS	(cyan)	10.24%	EXCUSED BY JUDGE	(blue)	1.48%
HARDSHIP	(brown)	6.11%	QUALIFIED	(purple)	26.17%
	(pink)	0.27%			
	(yellow)	13.34%			



R E P O R T I N G P E R C E N T A G E S

JANUARY 1981

<u>DATE</u>	<u>SUMMONS</u>	<u>QUALIFIED</u>	<u>PERCENTAGE</u>	<u>REPORTED</u>	<u>PERCENTAGE</u>
1/5 (Mon)	600	333	55.5%	209	62.8%
1/6 (Tues)	100	53	53.0%	6*	11.3%
1/7 (Wed)	150	80	53.3%	34*	42.5%
1/12 (Mon)	600	345	58.0%	231	66.9%
1/13 (Tue)	100	66	66.0%	51	77.3%
1/14 (Wed)	150	87	58.0%	57	65.5%
1/19 (Mon)	600	318	53.0%	155	48.7%
1/20 (Tue)	100	61	61.0%	33	54.1%
1/21 (Wed)	150	70	46.7%	27*	38.6%
1/26 (Mon)	600	274	45.7%	165	60.2%
1/27 (Tue)	100	100	100.0%	73	73.0%
1/28 (Wed)	150	75	50.0%	46	61.0%

* Jurors not needed/No Jury Trial

SG

R E P O R T I N G P E R C E N T A G E S
F E B R U A R Y 1 9 8 1

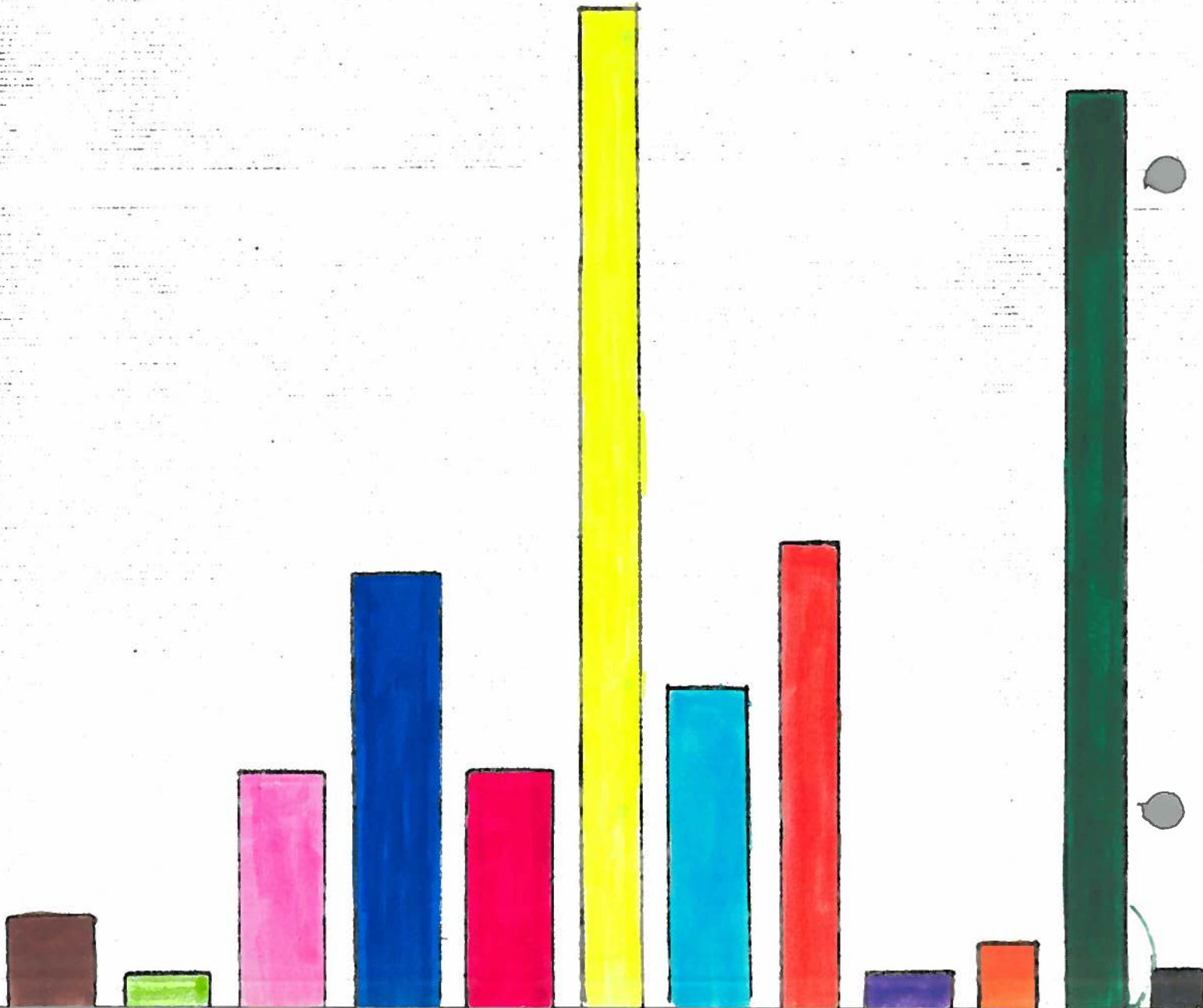
<u>DATE</u>	<u>SUMMONS</u>	<u>QUALIFIED</u>	<u>PERCENTAGE</u>	<u>REPORTED</u>	<u>PERCENTAGE</u>
2/2 (Mon)	600	306	51.0%	195	63.7%
2/3 (Tue)	100	58	58.0%	39	67.2%
2/4 (Wed)	150	82	54.7%	35	42.7%
2/9 (Mon)	600	254	42.3%	152	59.8%
2/10 (Tue)	110	110	100.0%	83	75.5%
2/11 (Wed)	150	65	43.3%	48	73.9%
2/17 (Tue)	700*	300	42.9%	110	36.7%
2/18 (Wed)	150	76	50.0%	49	64.5%
2/19 (Thrs)	**	33		25	75.8%
2/23 (Mon)	600	352	58.7%	192	54.5%
2/24 (Tue)	100	86	86.0%	55	64.0%
2/25 (Wed)	150	69	46.0%	32	46.4%

* Combination of monday and tuesday due to holiday

** Non-summon day/carried over from previous day

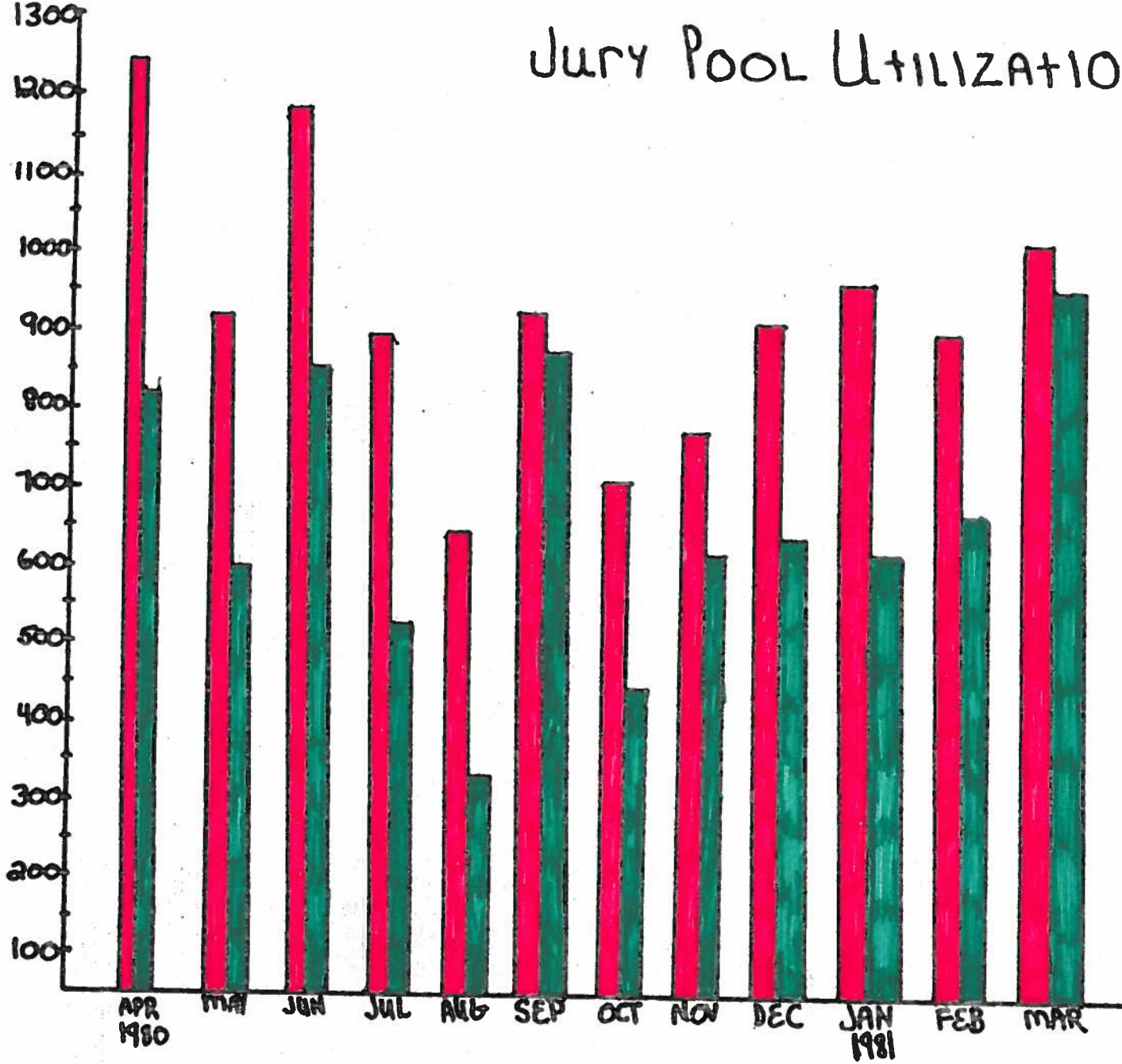
DISTRIBUTION OF JURORS SUMMONED MONTH OF FEBRUARY 1981



CITIZENSHIP OR LANGUAGE	2.53%	UNDELIVERABLE	25.7%
CONVICTION	0.64%	REPORTED/NON-SEL	8.35%
MEDICAL/DISABILITY	5.69%	NO RESPONSE	12.82%
LEGAL EXEMPTIONS	11.78%	MISCELLANEOUS	0.34%
HARDSHIPS	5.93%	EXCUSED BY JUDGE	2.02%
QUALIFIED JURORS	23.86%		
POSTPONED	0.34%		



NUMBER
OF
PERSONS

JURY POOL UTILIZATION



 JURORS REPORTING TO POOL
 JURORS SENT TO VOIR DIRE

JURY POOL UTILIZATION - Con't

The following is a sample of four different months showing, in dollars, the excess jurors brought to the jury pool, but not sent to voir dire.

It illustrates the remarkable savings that can be realized through efficient juror utilization, by keeping at a minimum, the size of the jury pool.

JUNE, 1980

\$12.56 Average juror report fee
X 323 Jurors not sent to Voir Dire

\$4,056.88 Excess cost

JULY, 1980

\$15.86 Average fee
X 355 Jurors not sent

\$5,630.30 Excess cost

JANUARY, 1981

\$11.70 Average fee
X 341 Jurors not sent

\$3,989.70 Excess cost

MARCH, 1981

\$11.07 Average fee
X 67 Jurors not sent

\$741.69 Excess cost

SEVEN MEASURES OF JUROR UTILIZATION: COMPARISON TO STANDARD: CLARK COUNTY, NEVADA

January, 1981

	<u>STANDARD</u>	<u>LAS VEGAS</u>
a) Voir dire attendance	100%	64.81%
b) Trial jurors (Prospective jurors sworn)	50%	21.36%
c) Overcall in pool	20%	26.02%
d) Panel calls per day	3	1.9
e) Zero days (Panel requested & not used)	10%	10.53%
f) Juror days per trial (Civil) 24 or 40 (Criminal)		94
g) People brought in on panel " 18 or 30 "		51

February, 1981

a)	100%	73.04%
b)	50%	26.85%
c)	20%	19.18%
d)	3	1.92
e)	10%	15.38%
f)	24 or 40	61
g)	18 or 30	36

COMPARISONS TO STANDARD - Con't

March, 1981

	<u>STANDARD</u>	<u>LAS VEGAS</u>
a) Voir dire attendance	100%	94.08%
b) Trial jurors (Prospective jurors sworn)	50%	25.35%
c) Overcall in pool	20%	13.97%
d) Panel calls per day	3	2.07
e) Zero days (panel requested & not used)	10%	13.33%
f) Juror days per trial	(Civil) 24 or 40 (Criminal)	63
g) People brought in on panel	" 18 or 30 "	39

JURY SAVINGS - 1 Day/1 Trial

1980	Average Monthly Expenses	-	\$26,930	Monthly
1981	Average Monthly Expenses	-	\$21,054	Monthly
	Savings Of		\$ 5,876	Per Month
	Savings Of		\$70,512	Per Year

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 449

SENATE BILL NO. 449—COMMITTEE ON JUDICIARY

MARCH 25, 1981

Referred to Committee on Judiciary

SUMMARY—Permits diversion of telephone lines in situations involving hostages and recording of conversations with permission of one party. (BDR 14-827)

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

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

AN ACT relating to the interception of communications; providing for diversion, rerouting or interruption of service on telephone lines at the request of a peace officer in situations in which hostages are being held or suspects are barricaded; permitting interception and recording of conversations with the consent of one party; 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 179 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 SEC. 2. 1. *A supervising peace officer who, with other officers, or any*
4 *peace officer who, alone, is attempting to gain control of a situation in*
5 *which a person:*
6 *(a) Is holding another as a hostage, whether or not the life of the hos-*
7 *tage has been threatened; or*
8 *(b) Has committed or is believed to have committed a crime, is barri-*
9 *caded in an area or structure and is resisting arrest through the use or*
10 *threatened use of force,*
11 *may direct the public utility which provides telephone service to the area*
12 *or structure in which the hostages are being held or persons are barri-*
13 *caded, or to an area which is close to that area or structure, to interrupt*
14 *the service on, divert, reroute or otherwise make temporary changes in*
15 *telephone lines to enable the peace officer making the request to establish*
16 *communication with the person holding the hostage, or among peace offi-*
17 *cers, or to deny communication to the person holding the hostage.*
18 2. *Each public utility which provides telephone service in this state*
19 *shall designate an employee and an alternate to supervise in performing*
20 *the orders of a peace officer who is carrying out the purposes of this sec-*
21 *tion.*
22 3. *A reliance in good faith by a public utility on the order of a*

1 *peace officer pursuant to this section constitutes a complete defense to*
2 *any civil or criminal action brought against the public utility on account*
3 *of any interruption, diversion, rerouting or change in telephone service*
4 *made in response to the order.*

5 SEC. 3. *A recording or transcript of a wire or oral communication*
6 *may be admitted as evidence if:*

7 1. *The recording or transcript was made with the permission of one*
8 *of the parties to the communication, given before the communication*
9 *took place; and*

10 2. *It is accompanied by testimony or other evidence of the identity*
11 *of the persons who engaged in the communication and that the record-*
12 *ing or transcript accurately reflects the content of the communication.*

13 SEC. 4. NRS 179.410 is hereby amended to read as follows:

14 179.410 As used in NRS 179.410 to 179.515, inclusive, and *sec-*
15 *tion 3 of this act*, except where the context otherwise requires, the words
16 and terms defined in NRS 179.415 to 179.455, inclusive, have the
17 meanings ascribed to them in such sections.

18 SEC. 5. NRS 200.620 is hereby amended to read as follows:

19 200.620 1. Except as otherwise provided in NRS 179.410 to 179.-
20 515, inclusive, it is unlawful for any person to intercept or attempt to
21 intercept any wire communication unless:

22 (a) [Such] *The interception or attempted interception is made with*
23 *the prior consent of one of the parties to the communication; [and] or*

24 (b) An emergency situation exists wherein it is impractical to obtain a
25 court order as required by NRS 179.410 to 179.515, inclusive, [prior
26 to] *before the interception, in which event the interception [shall be] is*
27 *subject to the [ratification] requirements of subsection 3 [.] for ratifica-*
28 *tion. If the application for ratification is denied, any use or disclosure of*
29 *the information so intercepted is unlawful, and the person who made the*
30 *interception shall notify the sender and the receiver of the communication*
31 *that [such] the communication was intercepted and that, upon applica-*
32 *tion to the court, ratification of [such] the interception was denied.*

33 2. This section does not apply to any person, or to the officers,
34 employees or agents of any person, engaged in the business of providing
35 service and facilities for [such] communication where the interception
36 or attempted interception is for the purpose of construction, mainte-
37 nance, conduct or operation of the service or facilities of [such] *that*
38 *person.*

39 3. Any person who has made an interception in an emergency situa-
40 tion as provided in paragraph (b) of subsection 1 shall, within 72 hours
41 of the interception, make written application to a supreme court justice
42 or district [court] judge for ratification of [such] *the interception. The*
43 *interception [shall] must not be ratified unless the applicant shows:*

44 (a) That an emergency situation existed wherein it was impractical
45 to obtain a court order prior to the interception; and

46 (b) That, except for the absence of a court order, the interception
47 met the requirements of NRS 179.410 to 179.515, inclusive.

48 4. NRS 200.610 to 200.690, inclusive, do not prohibit the record-
49 ing, and NRS 179.410 to 179.515, inclusive, do not prohibit the recep-
50 tion in evidence, of conversations on a wire communications facility

1 installed in the office of an official law enforcement or firefighting agency,
2 if the equipment used for the recording is installed in a communications
3 facility, or on a directory-listed telephone number, on which emergency
4 calls or requests by a person or persons for response by the law enforce-
5 ment or firefighting agency are likely to be received. **[In addition, such]**
6 *Those* sections do not prohibit the recording or reception in evidence of
7 conversations initiated by the law enforcement or firefighting agency from
8 **[such]** a communications facility or directory-listed number in connec-
9 tion with responding to the original call or request, if the agency informs
10 the other party that the conversation is being recorded.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 529

SENATE BILL NO. 529—COMMITTEE ON JUDICIARY

APRIL 10, 1981

Referred to Committee on Judiciary

SUMMARY—Provides for random selection of jurors by computer. (BDR 1-1896)

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

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

AN ACT relating to juries; providing for random selection of jurors by computer; 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 6.045 is hereby amended to read as follows:
2 6.045 1. The district court in and for any county with a popula-
3 tion of 100,000 or more, may by rule of court designate the clerk of the
4 court [or], one of his deputies *or another person* as a jury commissioner,
5 and may assign to the jury commissioner such administrative duties in
6 connection with trial juries and jurors as the court finds desirable for
7 efficient administration.
8 2. If a jury commissioner is so selected, he shall from time to time
9 estimate the number of trial jurors which will be required for attendance
10 on the district court and shall select that number from the qualified
11 electors of the county not exempt by law from jury duty, whether
12 registered as voters or not. *The jurors may be selected by computer*
13 *whenever procedures to assure random selection from computerized lists*
14 *are established by the jury commissioner.* He shall keep a record of the
15 name, occupation and address of each person [so] selected.
16 SEC. 2. NRS 6.090 is hereby amended to read as follows:
17 6.090 1. To constitute a regular panel of trial jurors for the dis-
18 trict court *in a county in which the board of county commissioners*
19 *selects jurors on an annual basis*, such number of names as the district
20 judge may direct must be drawn from the jury box. The district judge
21 shall make and file with the county clerk an order that a regular panel
22 of trial jurors be drawn, and the number of jurors to be drawn must be
23 named in the order. The drawing must take place in the office of the
24 county clerk, during regular office hours, in the presence of all persons

1 who may choose to witness it. The panel must be drawn by the district
2 judge and clerk, or, if the district judge so directs, by any one of the
3 county commissioners of the county and the clerk. If the district judge
4 directs that the panel be drawn by one of the county commissioners of
5 the county and the clerk, the district judge shall make and file with the
6 clerk an order designating the name of the county commissioner and
7 fixing the number of names to be drawn as trial jurors and the time at
8 which the persons whose names are so drawn are required to attend in
9 court.

10 2. The drawing, for jurors drawn pursuant to subsection 1, must be
11 conducted as follows:

12 (a) The number to be drawn having been previously determined by
13 the district judge, the box containing the names of the jurors must first
14 be thoroughly shaken. It must then be opened and the district judge and
15 clerk, or one of the county commissioners of the county and the clerk,
16 if the district judge has so ordered, shall alternately draw therefrom one
17 ballot until of nonexempt jurors the number determined upon is
18 obtained.

19 (b) If the officers drawing the jury deem that the attendance of any
20 juror whose name is [so] drawn cannot be obtained conveniently and
21 inexpensively to the county, by reason of the distance of his residence
22 from the court or other cause, his name may be returned to the box
23 and in its place the name of another juror drawn whose attendance the
24 officers may deem can be obtained conveniently and inexpensively to the
25 county.

26 (c) A list of the names [so] obtained must be made out and certified
27 by the officers drawing the jury. The list must remain in the clerk's office
28 subject to inspection by any officer or attorney of the court, and the
29 clerk shall immediately issue a venire.

30 3. *Whenever trial jurors are selected by a jury commissioner, the*
31 *district judge may direct him to summon and assign to that court the*
32 *number of qualified jurors he determines to be necessary for the forma-*
33 *tion of the petit jury. The jurors may be selected by computer whenever*
34 *procedures to assure random selection from computerized lists have*
35 *been established by the jury commissioner.*

36 4. Every person named in the venire must be served by the sheriff
37 [either] personally or by the sheriff or the jury commissioner by mailing
38 a summons to the person, commanding him to attend as a juror at a
39 time and place designated therein. [If the summons is mailed, it must
40 have the postage fully prepaid and be deposited in the post office,
41 addressed to the person at his usual post office address.] Mileage is
42 allowed only for personal service. The postage must be paid by the
43 sheriff or the jury commissioner, as the case may be, and allowed him
44 as other claims against the county. The sheriff shall make return of the
45 venire at least the day before the day named for their appearance, after
46 which the venire is subject to inspection by any officer or attorney of the
47 court.

48 SEC. 3. NRS 16.030 is hereby amended to read as follows:

49 16.030 1. [In] Except when the jurors are drawn by a jury com-
50 missioner, in preparing for the selection of the jury, the clerk, under the

1 direction of the judge, shall place in a box ballots containing the names
2 of the persons summoned who have appeared and have not been excused.
3 The clerk shall mix the ballots and draw from the box the number of
4 names needed to complete the jury in accordance with the procedure
5 provided either in subsection [2] 3 or subsection [3.] 4, as the judge
6 directs.

7 2. *Whenever the jurors are drawn by the jury commissioner, the*
8 *judge may also direct him to draw, in advance, the names of additional*
9 *jurors in the order they would be used to replace discharged or excused*
10 *jurors pursuant to subsections 3 and 4.*

11 3. The judge may require that eight names be drawn, and the per-
12 sons whose names are called [shall] *must* be examined as to their quali-
13 fications to serve as jurors. If any persons are excused or discharged,
14 or if the ballots are exhausted before the jury is selected, additional
15 names shall be drawn from the jury box and those persons summoned
16 and examined as provided by law until the jury is selected.

17 [3.] 4. The judge may require that the clerk draw a number of
18 names to form a panel of prospective jurors equal to the sum of the
19 number of regular jurors and alternate jurors to be selected and the
20 number of peremptory challenges to be exercised. The persons whose
21 names are called [shall] *must* be examined as to their qualifications to
22 serve as jurors. If any persons on the panel are excused for cause, they
23 [shall] *must* be replaced by additional persons who [shall] *must* also
24 be examined as to their qualifications. When a sufficient number of
25 prospective jurors has been qualified to complete the panel, each side
26 shall exercise its peremptory challenges out of the hearing of the panel
27 by alternately striking names from the list of persons on the panel. After
28 the peremptory challenges have been exercised the persons remaining
29 on the panel who are needed to complete the jury shall, in the order in
30 which their names were drawn, be regular jurors or alternate jurors.

31 [4.] 5. Before persons whose names have been drawn are examined
32 as to their qualifications to serve as jurors, the judge or his clerk shall
33 administer an oath or affirmation to them in substantially the following
34 form:

35 Do you, and each of you, (solemnly swear, or affirm under the
36 pains and penalties of perjury) that you will well and truly answer
37 all questions put to you touching upon your qualifications to serve
38 as jurors in the case now pending before this court (so help you
39 God)?

40 [5.] 6. The judge shall conduct the initial examination of prospec-
41 tive jurors and the parties or their attorneys are entitled to conduct sup-
42 plemental examinations which must not be unreasonably restricted.