

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 12, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:05 a.m., Tuesday, May 12, 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 William J. Raggio
Senator Jean Ford
Senator William H. Hernstadt
Senator Sue Wagner

STAFF MEMBERS PRESENT:

Shirley LaBadie, Committee Secretary

Chairman Close asked for a motion to approve the minutes.

Senator Don Ashworth moved to approve the minutes of April 20, 21, 22, 23, 24, and 27, 1981.

Senator Ford seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NO. 362--Increases penalties for issuing checks and other instruments without sufficient funds.

Mr. Darrell Capurro, Nevada Franchise Auto Dealers Association, advised the committee the redraft of A. B. No. 362 was considerably different than the original bill. He had been advised by some of the members of the Senate Committee on Judiciary there may be a problem because of the severity of the punishment as shown on page 1. This changes a gross misdemeanor to a felony penalty. The amendments of the Assembly committee dealt basically on the second and third pages. He stated he had no position in regard to the penalties on the first page.

SENATE COMMITTEE ON JUDICIARY
May 12, 1981

Mr. Capurro stated in regard to Section 3, NRS 205.380, there is a difference of opinion throughout the state among district attorneys as to whether or not they will prosecute or look at cases which involve labor. In Churchill county, the district attorney is willing to process cases which involve the stop-payment of checks which involve labor and parts. In other counties, if labor is involved at all, the district attorney will not touch the case. There is unequal treatment under the current law. There is also an unfairness in relation to the allowance that a law would apply for parts which are purchased independently, but would not apply to labor or services which are provided. The bill basically puts labor back into the current law under NRS 205.380.

Senator Hernstadt stated this is basically a civil matter and this bill would make felons out people who stop payment on checks. He questioned what public purpose is being served with the passage of the bill. Mr. Capurro stated the penalties in Section 3, NRS. 205.380 would remain as they are. He said there was an addition to the bill in the second reprint which indicates the notice which is sent to the individual drawing the check and it would outline the penalties. The person was never put on notice as to what could happen if he did not answer the situation.

Mr. Capurro stated in regard to the penalty on page 1 of the bill, he felt a felony penalty for \$101 stop payment is unfair, it is too severe. However the consumer does have a protection and a remedy at law. In Washoe County there is an arbitration panel sponsored through the Better Business Bureau. It has provided a form for the consumer to file a written complaint and have the ability to arbitrate service problems.

Senator Raggio stated over the years the legislature has resisted efforts to use the criminal process for the collection of certain debts. During the last session there was considerable testimony regarding the stop-payment clauses. It was put into the law that a person must return what they received so far as property. Labor is a different situation, nothing can be returned. The intent to defraud is difficult to prove in labor.

Mr. Capurro stated the intent to defraud is an open act when you stop payment on a check. Some individuals will absolutely say nothing to a service person when he picks up a car without checking it out and stop payment immediately upon leaving the garage. Some garages have gone to depositing payments twice a day. He said many times the individual will never return to the garage with a complaint about the running of the car.

SENATE COMMITTEE ON JUDICIARY
May 12, 1981

Senator Wagner questioned the fiscal impact of the bill on the prison. She also had a concern when a person writes a bad check and becomes a felon even though it was not part of the request by Mr. Capurro in the proposed bill.

Chairman Close asked if the bill was divisible, Mr. Capurro had divided it into two parts. In looking at Section 3, when a person gives a check with the intent to defraud someone for the labor, that is one aspect. In paragraph 2, it is a stop payment situation. Mr. Capurro stated the intent of the first part of NRS 205.380 is to delineate the difference between \$100 and less or \$100 and more so far as penalty. He said one of the problems with the amendments to A. B. No. 362 was the bill drafting office telling them them how it should be written. They stated this was the way it had to be done from a legal standpoint.

Chairman Close asked if he had a car repaired and the district attorney can prove that he intended to defraud, then could there be a prosecution. A prosecution would be much easier if it says it is prima facie evidence. He asked Mr. Capurro if he had the language on line 11 if that would be any help, and not having the language on line 24 on the prima facie case. Mr. Capurro said it could be separated from that standpoint.

Senator Hernstadt stated it was almost impossible to stop payment on a check when a check-cashing card has been used. The bank usually refuses to do so. Also under the credit card law, if a merchant is from 50 to 100 miles from your home, stop payment can be made on a mastercharge card, claiming bad workmanship but there is no penalty for that. A person clever enough to use that system would use a visa or mastercharge card. The bill does not address that problem at all. Mr. Capurro stated the card would not prevent stop payment of checks because the check-cashing card is demanded in most businesses. Regarding the credit card issue, it is being used more to avoid the receipt of checks. Senator Hernstadt stated he felt this was an overkill for a person who might legitimately want to stop payment and would become a felon.

Ms. Carol Vilardo, Citizens for Private Enterprise, South, stated during the last session of the legislature, the stop payment was put on merchandise only, it had been originally requested that it goes on services, labor and merchandise. Some of the members in Assembly Judiciary felt it would be abused. It appears this has not happened. The addition of labor covers only a small segment of stop payment. She said if a bank card is used in conjunction with payment by check, you cannot stop payment on the check regard-

SENATE COMMITTEE ON JUDICIARY
May 12, 1981

less of the reason. Senator Don Ashworth stated testimony had been given to the contrary. Ms. Vilaro stated this is the procedure with the First National Bank and is part of the bank card. The committee reviewed the provisions on the back of the cards. Ms. Vilaro said there has been an inconsistency of applications. In Clark County, if there is a service involved, they will not take it because the law says it is precluded. When a person receives a certified letter, they have an opportunity to respond. If it is a straight service complaint, the letter has to be taken to the district attorney office and they will not touch it because it becomes a consumer complaint. They want to get the person who will not respond and an expensive piece of equipment is involved. Ms. Vilaro asked the committee to consider adding labor to the bill. She did not feel it would be abused.

Mr. Capurro stated his remarks had been addressed to cases which were in excess of \$100. The check-cashing card specifies if the amount is in excess of that amount, the rest of the conditions do not apply.

ASSEMBLY BILL NO. 467--Increases penalty for first degree arson involving certain structures.

Mr. Steve Mihelic, Carson City Fire Department, stated A. B. No. 467 increases the penalty for arson and adds a few other provisions which are felt necessary for the thorough investigation of fire and arsons. He said currently arson is the fast growing crime, both in the nation and Nevada. There is considerable increase in the arson for profit scheme. Arson is a difficult crime to investigate and one of the hardest to get a conviction.

Senator Raggio advised the committee Commerce and Labor has a bill which creates a Fraud and Arson unit within the Insurance Division and the same language in Section 5 is used. Mr. Mihelic stated the bill is from the model bill, both from the federal and Ohio bills. Senator Raggio stated the proposed bill in Commerce and Labor does essentially what Sections 5, 6, 7 and 8 do in A. B. No. 467.

ASSEMBLY BILL NO. 483--Increases limitation on value of property subject to homestead exemption. (Exhibit D)

Mr. Orvis Reil, Nevada Joint Legislative Committee of the National Retired Teachers and American Association of Retired Persons, said two years ago the \$50,000 limit was satisfactory, now with the evaluation increases, the amount needs to be raised with regard to the homestead act. Senator Ford suggested the limits in Section 3 be raised, it appeared they were too low.

SENATE COMMITTEE ON JUDICIARY
May 12, 1981

ASSEMBLY BILL NO. 532--Clarifies law relating to certification of juvenile as adult in cases of murder and attempted murder.

Mr. Ned Solomon, Deputy Director, Clark County Juvenile Court, advised the committee the bill was drafted because of a Supreme Court decision. The only substantive change is on page two, lines 35 and 36. There was a question in the juvenile court which went to the Supreme Court for clarification and this provides for it. The case had to do with the jurisdiction and there is a restatement in the bill. It does not change anything, only makes it more clear when murder and attempted murder be automatically adults.

ASSEMBLY BILL NO. 482--Allows amount of uncashed checks of former inmates of juvenile correctional institutions to be transferred after 1 year. (Exhibit C)

Mr. Frank Carmen, Administrator of the Youth Services Division, stated the bill was recommended by the auditors. There is approximately \$80 on the books which cannot be put into a category. Some youngsters who are employed, then released and leave without collecting the pay, the money has no place to be go. The auditors need a mechanism to set up a gift account and transfer the money into that account. Senator Raggio asked why the one year provision was used. Mr. Carmen stated the Assembly Judiciary Committee had asked the same question and the auditors had been the ones to request the time period.

ASSEMBLY BILL No. 362

The committee discussion resulted in the decision to reduce the penalties in the proposed bill. Chairman Close said on line 24, a decision should be made whether it should be prima facie evidence of a crime once a letter has been sent out and received. The question is, should labor be added.

Senator Raggio stated there are excessive complaints about labor charges in a garage and there is not a requirement in the state that an estimate must be given. California requires an estimate whether or not it is requested. He said he would not feel so strongly if this was dealing with civil penalties, but is getting into the area of criminal law.

The committee decided to hold off on any further discussion of A. B. No. 362 and a possible vote.

SENATE COMMITTEE ON JUDICIARY
May 12, 1981

ASSEMBLY BILL NO. 467 (On agenda)

Senator Ford moved to re-refer A. B. No. 467 to the Senate Committee on Commerce and Labor.

Senator Wagner seconded the motion.

The motion carried. (Senator Don Ashworth and Hernstadt were absent for the vote.)

ASSEMBLY BILL NO. 482 (On agenda)

Senator Raggio moved to Do Pass A. B. No. 482.

Senator Ford seconded the motion.

The motion carried. (Senator Don Ashworth and Hernstadt were absent for the vote.)

ASSEMBLY BILL NO. 483 (On agenda)

Committee discussion resulted in changes in Section 3 increasing the allowances. Line 36 would be increased to \$1,500. Line 38 was increased to \$3,000. Line 42, increase to \$4,500. Line 47, increase to \$4,500. Line 49 should be changed to \$5,000 total amount. Line 3, page 2, should be left as is. Delete line 5 with regard to poultry.

Senator Ford moved to amend and Do Pass A. B. No. 483.

Senator Wagner seconded the motion.

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

ASSEMBLY BILL NO. 240--Provides for use of foreign standard of "felon" in defining certain offenses for purposes of registration of convicted felons. (Exhibit E)

Assemblyman Jan Stewart said this attempts to solve the problem when a person convicted of a misdemeanor in California comes to Nevada and be required to register as an ex-felon. If it is a misdemeanor where the person is convicted, you would not have to register as an ex-felon in Nevada unless under the sentence of misdemeanor, gross misdemeanor or Class I crime or high misdemeanor if you received a sentence of one year or more. No matter what it is called in another state, you had to register here as an ex-felon.

SENATE COMMITTEE ON JUDICIARY
May 12, 1981

ASSEMBLY BILL NO. 240

Senator Ford moved to Do Pass A. B. No. 240.

Senator Don Ashworth seconded the motion.

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

ASSEMBLY BILL NO. 346--Authorizes state and local agencies to obtain background checks of Federal Bureau of Investigation. (Exhibit F)

Assemblyman Jan Stewart advised the committee the bill had been requested by Assemblyman Jeffrey for the City of Henderson. It is also a problem with other agencies. It deals with requesting background information for the purpose of licensing. The F. B. I. had turned down requests because the board did not have statutory authority to request the information. This bill does not require the F. B. I. to give the information, it is just to allow them to request the information. It is still governed by the privacy act.

Senator Keith Ashworth moved to Do Pass A. B. No. 346.

Senator Don Ashworth seconded the motion.

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

ASSEMBLY BILL NO. 253--Provides penalties for interrupting emergency radio communications. (Exhibit G)

Assemblyman Jan Stewart told the committee one of the problems in Clark County is there is a organization called React which receives some governmental funds to support them, mostly it is handled by volunteers. It is a group which works within the police department on Channel 9 which is an emergency frequency for the C.B. radios. This allows anyone with a C.B. to call in if they see an emergency situation. The call is referred to the police and traffic personnel immediately. Many people have become rude with the C.B. radio people and will interrupt the signals.

Chairman Close asked how that person can be located. Mr. Stewart replied they have locators and sometimes the same person is doing this so people are aware who it is. He said there are some federal sanctions against this practice but the people are scattered and spend little time in Nevada. Since they are unable

SENATE COMMITTEE ON JUDICIARY
May 12, 1981

to be of much help, the local people want to be able to do something about the situation.

Mr. Stewart advised the committee the penalty is a misdemeanor if there is an intentional interference, if an injury results because it can be tied directly into the interference, then it depends on the nature of the injury.

Discussion of the bill resulted in the penalty being made a gross misdemeanor. Further discussion resulted in the following motion.

ASSEMBLY BILL NO. 253

Senator Keith Ashworth moved to indefinitely postpone A. B. No. 253.

Senator Hernstadt seconded the motion.

The motion failed. (Senators Keith Ashworth and Hernstadt voted for the motion. Senators Close, Raggio, Ford and Wagner voted against the motion. Senator Don Ashworth was absent for the vote.)

Senator Ford suggested the language on line 11 regarding radio channel be tied down to line 22. Senator Raggio stated he did not see any problem with the bill but the penalty should be cut down to a gross misdemeanor. Discussion resulted in the following.

Senator Don Ashworth moved to amend and Do Pass A. B. No. 253.

Senator Keith Ashworth seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NO. 14--Extends liability of contractor in certain circumstances.

Senator Hernstadt moved to indefinitely postpone A. B. No. 14.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

SENATE COMMITTEE ON JUDICIARY
May 12, 1981

SENATE BILL NO. 251--Revises provisions relating to parentage.

The committee reviewed the proposed amendment of the Assembly Judiciary Committee to S. B. No. 251. The committee discussion resulted in the following action. The Senate Committee on Judiciary did not concur with Assembly Amendment No. 624 to S. B. No. 251.

ASSEMBLY BILL NO. 532 (On agenda) (Exhibit H)

Senator Raggio moved to Do Pass A. B. No. 532.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Ford and Keith Ashworth were absent for the vote.)

SENATE BILL NO. 271--Provides punishment for racketeering activities.

The committee reviewed S. B. No. 271 section by section. Since there was not time to finish reviewing the bill, it was postponed to another time.

The following bill drafting request was presented and received for committee introduction.

BDR 13-2090 (S.B. 674)

Establishes special guardianships for persons of limited capacity and revises procedure for appointment of guardians.

There being no further business, the meeting adjourned at 10:30 a.m.

Respectfully submitted:



Shirley Labadie, Secretary

APPROVED BY:



Senator Mevlin D. Close, Chairman

DATE: May 14, 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213.

Day Tuesday, Date May 12, Time 8:00 a.m.

A. B. No. 240--Provides for use of foreign standard of "felony" in defining certain offenses for purposes of registration of convicted felons.

A. B. No. 253--Provides penalties for interrupting emergency radio communications.

A. B. No. 346--Authorizes state and local agencies to obtain background checks of Federal Bureau of Investigation.

A. B. No. 362--Increases penalties for issuing checks and other instruments without sufficient funds.

A. B. No. 467--Increases penalty for first degree arson involving certain structures.

A. B. No. 482--Allows amount of uncashed checks of former inmates of juvenile correctional institutions to be transferred after 1 year.

A. B. No. 483--Increases limitation on value of property subject to homestead exemption.

A. B. No. 532--Clarifies law relating to certification of juvenile as adult in cases of murder and attempted murder.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 482

ASSEMBLY BILL NO. 482—COMMITTEE ON JUDICIARY

APRIL 10, 1981

Referred to Committee on Judiciary

SUMMARY—Allows amount of uncashed checks of former inmates of juvenile correctional institutions to be transferred after 1 year. (BDR 16-191)

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 juvenile correctional institutions; allowing the superintendent to transfer the amount of uncashed checks of former inmates after 1 year; 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 210.160 is hereby amended to read as follows:
2 210.160 1. The superintendent may accept money and other valu-
3 ables of inmates for safekeeping pending their discharges, and shall
4 deposit any such money in insured banks or in insured savings and loan
5 associations. He shall keep, or cause to be kept, a fair and full account
6 of any such money and valuables, and shall submit reports to the adminis-
7 trator relative to them as may be required from time to time.
8 2. *The superintendent may transfer the amount of any uncashed*
9 *check issued by the school to an inmate to the gift fund after 1 year from*
10 *the date the check was issued. Each check so issued must be stamped*
11 *“void after 1 year from date of issue.”*
12 SEC. 2. NRS 210.560 is hereby amended to read as follows:
13 210.560 1. The superintendent may accept money and other valu-
14 ables of inmates for safekeeping pending their discharges, and shall
15 deposit any such money in a bank or in an insured savings and loan
16 association qualified to receive deposits of public money, [under the pro-
17 visions of chapter 356 of NRS,] and the deposits must be secured by
18 depository bond satisfactory to the state board of examiners. The super-
19 intendent shall keep, or cause to be kept, a fair and full account of any
20 such money and valuables, and shall submit reports to the administrator
21 relative to them as may be required from time to time.
22 2. *The superintendent may transfer the amount of any uncashed*
23 *check issued by the school to an inmate to the gift fund after 1 year from*
24 *the date the check was issued. Each check so issued must be stamped*
25 *“void after 1 year from date of issue.”*

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

A. B. 483

ASSEMBLY BILL NO. 483—ASSEMBLYMEN MALONE, SCHOFIELD, BERGEVIN, KOVACS, MARVEL, HICKEY, CAFERATA, BREMNER, NICHOLAS, WESTALL, MELLO, DINI, GLOVER, THOMPSON, FOLEY, STEWART, CRADDOCK, SADER, RHOADS, REDELSPERGER, RACKLEY, DuBOIS, BENNETT, BRADY, CHANEY, RUSK, VERGIELS, POLISH, MAY, HORN, PRENGAMAN, BEYER, HAYES, HAM, COULTER, BANNER, PRICE, ROBINSON, JEFFREY AND BARENGO

APRIL 10, 1981

Referred to Committee on Judiciary

SUMMARY—Increases limitation on value of property subject to homestead exemption. (BDR 10-1479)

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 executions of judgments and decrees; increasing the limitations on the value of property subject to exemptions; making the optional provisions of the Bankruptcy Act of 1978 which exempt certain property inapplicable in Nevada; 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 115.010 is hereby amended to read as follows:
2 115.010 1. The homestead, consisting of either a quantity of land,
3 together with the dwelling house thereon and its appurtenances, or a
4 mobile home whether or not the underlying land is owned by the claim-
5 ant, not exceeding ~~[\$50,000]~~ \$75,000 in value, to be selected by the
6 husband and wife, or either of them, other head of a family, or other
7 single person claiming the homestead, is not subject to forced sale on
8 execution, or any final process from any court, except process to enforce
9 the payment of the purchase money for the premises, or for improvements
10 made thereon, or for legal taxes imposed thereon, or for the payment of:
11 (a) Any mortgage or deed of trust thereon executed and given; or

1 (b) Any lien to which prior consent has been given through the accept-
2 ance of property subject to any recorded declaration of restrictions, deed
3 restriction, restrictive covenant or equitable servitude,
4 by both husband and wife, when that relation exists.

5 2. Any declaration of homestead which has been filed before July 1,
6 [1979,] 1981, is deemed to have been amended on that date by extend-
7 ing the homestead exemption commensurate with any increase in the
8 value of the property selected and claimed for the exemption up to the
9 value permitted by law on that date, but the increase does not impair
10 the right of any creditor to execute upon the property when that right
11 existed before July 1, [1979,] 1981.

12 SEC. 2. NRS 115.050 is hereby amended to read as follows:

13 115.050 1. Whenever execution has been issued against the prop-
14 erty of a party claiming the property as a homestead, and the creditor
15 in the judgment makes oath before the judge of the district court of
16 the county in which the premises are situated, that the cash value of the
17 premises exceeds, to the best of the creditor's information and belief, the
18 sum of ["\$50,000,"] \$75,000, the judge shall, upon notice to the debtor,
19 appoint three disinterested and competent persons as appraisers to esti-
20 mate and report as to the value of the premises, and if the value exceeds
21 the sum of ["\$50,000,"] \$75,000, whether the premises can be divided so
22 as to leave the premises amounting to the homestead exemption without
23 material injury.

24 2. If it appears, upon the report, to the satisfaction of the judge that
25 the premises can be thus divided, he shall order the excess to be sold
26 under execution. If it appears that the premises cannot be thus divided,
27 and the value thereof exceeds the exemption allowed by this chapter, he
28 shall order the entire premises to be sold, and out of the proceeds the sum
29 of ["\$50,000"] \$75,000 to be paid to the defendant in execution, and the
30 excess to be applied to the satisfaction on the execution. No bid under
31 ["\$50,000"] \$75,000 may be received by the officer making the sale.

32 3. When the execution is against a husband or wife, the judge may
33 direct the ["\$50,000"] \$75,000 to be deposited in court, to be paid out
34 only upon the joint receipt of the husband and wife, and the deposit pos-
35 sesses all the protection against legal process and voluntary disposition by
36 either spouse as did the original homestead premises.

37 SEC. 3. NRS 21.090 is hereby amended to read as follows:

38 21.090 1. The following property is exempt from execution, except
39 as otherwise specifically provided in this section:

40 (a) Private libraries not to exceed ["\$500"] \$1,500 in value, and all
41 family pictures and keepsakes.

42 (b) Necessary household goods, appliances, furniture, home and yard
43 equipment, not to exceed ["\$1,000"] \$3,000 in value, belonging to the
44 judgment debtor to be selected by him.

45 (c) Farm trucks, farm stock, farm tools, farm equipment, supplies and
46 seed not to exceed ["\$1,500"] \$4,500 in value, belonging to the judgment
47 debtor to be selected by him.

48 (d) Professional libraries, office equipment, office supplies and the

1 tools, instruments and materials used to carry on the trade of the judg-
2 ment debtor for the support of himself and his family not to exceed
3 ~~[\$1,500]~~ \$4,500 in value.

4 (e) The cabin or dwelling of a miner or prospector, [not to exceed
5 \$500 in value; also,] his cars, implements and appliances necessary for
6 carrying on any mining operations [not to exceed \$500 in value; also,]
7 and his mining claim actually worked by him, not exceeding ~~[\$1,000 in]~~
8 \$4,500 in total value.

9 (f) One vehicle if the judgment debtor's equity does not exceed \$1,000
10 or the creditor is paid an amount equal to any excess above that equity.

11 (g) ~~]~~ Poultry not exceeding in value \$75.

12 (h) ~~]~~ For any pay period, 75 percent of the disposable earnings of a
13 judgment debtor during such period, or the amount by which his dispos-
14 able earnings for each week of such period exceed 30 times the minimum
15 hourly wage prescribed by section 6(a)(1) of the federal Fair Labor
16 Standards Act of 1938 and in effect at the time the earnings are payable,
17 whichever is greater. The exemption provided in this paragraph does not
18 apply in the case of any order of a court of competent jurisdiction for the
19 support of any person, any order of a court of bankruptcy or of any debt
20 due for any state or federal tax. As used in this paragraph, "disposable
21 earnings" means that part of the earnings of a judgment debtor remaining
22 after the deduction from those earnings of any amounts required by law,
23 to be withheld.

24 ~~[(i)]~~ (h) All fire engines, hooks and ladders, with the carts, trucks
25 and carriages, hose, buckets, implements and apparatus thereunto apper-
26 taining, and all furniture and uniforms of any fire company or depart-
27 ment organized under the laws of this state.

28 ~~[(j)]~~ (i) All arms, uniforms and accouterments required by law to
29 be kept by any person, and also one gun, to be selected by the debtor.

30 ~~[(k)]~~ (j) All courthouses, jails, public offices and buildings, lots,
31 grounds and personal property, the fixtures, furniture, books, papers and
32 appurtenances belonging and pertaining to the courthouse, jail and public
33 offices belonging to any county of this state, all cemeteries, public
34 squares, parks and places, public buildings, town halls, markets, buildings
35 for the use of fire departments and military organizations, and the lots and
36 grounds thereto belonging and appertaining, owned or held by any town
37 or incorporated city, or dedicated by the town or city to health, ornament
38 or public use, or for the use of any fire or military company organized
39 under the laws of this state and all lots, buildings and other school prop-
40 erty owned by a school district and devoted to public school purposes.

41 ~~[(l)]~~ (k) All money, benefits, privileges or immunities accruing or in
42 any manner growing out of any life insurance, if the annual premium paid
43 does not exceed ~~[\$500,]~~ \$1,000, and if they exceed that sum a like
44 exemption exists which bears the same proportion to the money, benefits,
45 privileges and immunities so accruing or growing out of the insurance that
46 the ~~[\$500]~~ \$1,000 bears to the whole annual premium paid.

47 ~~[(m)]~~ (l) The homestead as provided for by law.

48 ~~[(n)]~~ (m) The dwelling of the judgment debtor occupied as a home
49 for himself and family, not exceeding ~~[\$50,000]~~ \$75,000 in value, where
50 the dwelling is situate upon lands not owned by him.

1 2. No article or species of property mentioned in this section is
2 exempt from execution issued upon a judgment to recover for its price, or
3 upon a judgment of foreclosure of a mortgage or other lien thereon.

4 3. Any exemptions specified in subsection (d) of section 522 of the
5 Bankruptcy Act of 1978 (92 Stat. 2586) do not apply to property owned
6 by a resident of this state unless conferred also by subsection 1, as limited
7 by subsection 2, of this section.

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

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 240

ASSEMBLY BILL NO. 240—COMMITTEE ON JUDICIARY

FEBRUARY 26, 1981

Referred to Committee on Judiciary

SUMMARY—Provides for use of foreign standard of “felony” in defining certain offenses for purposes of registration of convicted felons. (BDR 16-906)

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 registration of convicted felons; providing for the use of the standard of “felony” applicable in the place outside Nevada where the conviction took place; 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 207.080 is hereby amended to read as follows:
2 207.080 1. For the purpose of NRS 207.080 to 207.150, inclusive,
3 a “convicted person” is: [defined as:]
4 (a) Any person [who, before or after March 15, 1955, was or is]
5 convicted *in the State of Nevada* of an offense punishable as a felony [in
6 the State of Nevada, or who has been or who is hereafter] or convicted
7 [of any offense] in any place other than the State of Nevada [, which
8 offense, if committed in the State of Nevada, would be punishable as a
9 felony.] *of a felony or any other offense which is punishable by imprison-*
10 *ment for 1 year or more.*
11 (b) Any person [who, before or after March 15, 1955, was or is] con-
12 victed in the State of Nevada, or elsewhere, of the violation of any law,
13 whether the violation is or is not punishable as a felony:
14 (1) Relating to or regulating the possession, distribution, furnishing
15 or use of any habit-forming drug of the kind or character described and
16 referred to in the Uniform Narcotic Drug Act.
17 (2) Regulating or prohibiting the carrying, possession or ownership
18 of any concealed weapon, or deadly weapon, or any weapon capable of
19 being concealed, or regulating or prohibiting the possession, sale or use
20 of any device, instrument or attachment designed or intended to be used
21 for the purpose of silencing the report or concealing the discharge or
22 flash of any firearm.
23 (3) Regulating or prohibiting the use, possession, manufacture or

1 compounding of tear gas, or any other gas, which may be used for the
2 purpose of temporarily or permanently disabling any human being.

3 (c) Any person [who, before or after March 15, 1955, was or is] con-
4 victed of a crime in the State of Nevada, under the provisions of one or
5 more of NRS 122.220, 201.120 to 201.170, inclusive, 201.249, 201.251,
6 201.270, 201.360 to 201.400, inclusive, 201.420, 202.010, 202.040,
7 202.055, 202.200 to 202.230, inclusive, 212.170, 212.180, 433.-
8 564, 451.010 to 451.040, inclusive, 452.300, 462.010 to 462.080, inclu-
9 sive, 465.030 to 465.070, inclusive, 646.010 to 646.060, inclusive,
10 647.095, 647.100, 647.110, 647.120, 647.130, 647.140 and 647.145,
11 or [who, before or after March 15, 1955, was or is] convicted, in any
12 place other than the State of Nevada, of an offense which, if committed
13 in this state, would have been punishable under one or more of [such]
14 those sections.

15 (d) Any person [who, before or after March 15, 1955, was or is]
16 convicted in the State of Nevada or elsewhere of any attempt or con-
17 spiracy to commit any offense described or referred to in NRS 207.080 to
18 207.150, inclusive.

19 2. Any person, except as set forth in NRS 207.090 to 207.150, inclu-
20 sive, whose conviction is or has been set aside in the manner provided
21 by law shall not be deemed a convicted person.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 346

**ASSEMBLY BILL NO. 346—ASSEMBLYMEN
JEFFREY AND THOMPSON**

MARCH 16, 1981

—○—
Referred to Committee on Judiciary

SUMMARY—Authorizes state and local agencies to obtain background checks of Federal Bureau of Investigation. (BDR 19-841)

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 government and public affairs; authorizing agencies of the state and political subdivisions to obtain information on the background of persons in matters other than criminal; 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.** Title 19 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as section 2 of this act.
3 **SEC. 2.** Any agency of the state or any political subdivision may
4 request of and receive from the Federal Bureau of Investigation information
5 on the background and personal history of any person:
6 1. Who has applied to it for a license which it has the power to grant
7 or deny;
8 2. With whom it intends to enter into a relationship of employment or
9 a contract for personal services; or
10 3. About whom it has a legitimate need to have accurate personal
11 information for the protection of the agency or the people within its juris-
12 diction.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 253

ASSEMBLY BILL NO 253—ASSEMBLYMAN MALONE

MARCH 2, 1981

Referred to Committee on Judiciary

SUMMARY—Provides penalties for interrupting emergency radio communications. (BDR 16-1196)

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 emergency radio communications; providing penalties for interrupting those communications; 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 207 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *As used in this section "emergency" means a situation in which a*
4 *natural person is or is reasonably believed by the person transmitting the*
5 *communication to be in imminent danger of serious bodily injury or in*
6 *which property is or is reasonably believed by the person transmitting*
7 *the communication to be in imminent danger of damage or destruction.*
8 2. *Except as provided in subsection 3, any person who intentionally,*
9 *knowingly, recklessly or with criminal negligence interrupts, impedes or*
10 *otherwise interferes with the transmission of a communication over a*
11 *radio channel assigned to the citizens' radio service, the purpose of which*
12 *is to inform or inquire about an emergency, is guilty of a misdemeanor.*
13 3. *If any person suffers serious bodily injury or if property damage*
14 *in excess of \$1,000 occurs as a result of a violation of the provisions of*
15 *subsection 2, the offender is guilty of a gross misdemeanor.*
16 4. *A person is presumed to have intentionally, knowingly or with*
17 *criminal negligence interrupted, impeded or interfered with a transmission*
18 *if he:*
19 *(a) Interrupted, impeded or interfered with the transmission of a com-*
20 *munication on a channel which was dedicated to use for emergency com-*
21 *munications; or*
22 *(b) Operated equipment capable, by itself or with a linear amplifier, of*
23 *producing power which exceeds limits set by a regulation of the Federal*
24 *Communications Commission.*

A. B. 532

ASSEMBLY BILL NO. 532—COMMITTEE ON JUDICIARY

APRIL 21, 1981

Referred to Committee on Judiciary

SUMMARY—Clarifies law relating to certification of juvenile as adult in cases of murder and attempted murder. (BDR 5-1353)

**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 juvenile court; clarifying the law pertaining to the certification of a juvenile as an adult in cases of murder or attempted murder; 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 62.170 is hereby amended to read as follows:**
2 62.170 1. Except as provided in subsection 6, any peace officer [.]
3 or probation officer may take into custody any child who is found violat-
4 ing any law or ordinance or whose surroundings are such as to endanger
5 his welfare. When a child is taken into custody, the officer shall immedi-
6 ately notify the parent, guardian or custodian of the child, if known, and
7 the probation officer. Unless it is impracticable or inadvisable or has been
8 otherwise ordered by the court, or is otherwise provided in this section,
9 the child [shall] *must* be released to the custody of his parent or other
10 responsible adult who has signed a written agreement to bring the child
11 to the court at a stated time or at such time as the court may direct. The
12 written agreement [shall] *must* be submitted to the court as soon as pos-
13 sible. If such person fails to produce the child as agreed or upon notice
14 from the court, a writ may be issued for the attachment of the person or
15 of the child requiring that the person or child, or both of them, be
16 brought into the court at a time stated in the writ.
17 2. If the child is not released, as provided in subsection 1, the child
18 [shall] *must* be taken without unnecessary delay to the court or to the
19 place of detention designated by the court, and, as soon as possible there-
20 after, the fact of detention [shall] *must* be reported to the court. Pend-
21 ing further disposition of the case the child may be released to the custody
22 of the parent or other person appointed by the court, or may be detained
23 in such place as [shall be] *is* designated by the court, subject to further
24 order.

1 3. Except as provided otherwise in this section a child under 18 years
2 of age [shall] *must* not at any time be confined or detained in any police
3 station, lockup, jail or prison, or detained in any place where the child
4 can come into communication with any adult convicted of crime or under
5 arrest and charged with crime [;] , except that where no other detention
6 facility has been designated by the court, until the judge or probation offi-
7 cer can be notified and other arrangements made therefor, the child may
8 be placed in a jail or other place of detention, but in a place entirely sep-
9 arated from adults confined therein. Whenever it is possible to do so, spe-
10 cial efforts [shall] *must* be made to keep children who are neglected or in
11 need of supervision apart from children charged with delinquent acts.

12 4. A child who is taken into custody and detained [shall,] *must*,
13 upon application, be given a detention hearing, conducted by the judge or
14 master, within 24 hours after [such] *the* child submits an application,
15 excluding Saturdays, Sundays and holidays. A child [shall] *must* not be
16 released after a detention hearing without the written consent of the judge
17 or master.

18 5. The official in charge of any detention home may by written order
19 direct the transfer to the county jail of a child placed in the detention
20 home. The child [shall] *must* not be detained in the county jail for more
21 than 24 hours unless a district judge orders him so detained for a longer
22 period. Such an order may be made by the judge without notice to the
23 child or anyone on his behalf. Any child under 18 years of age who is
24 held in the county jail pursuant to the provisions of this subsection
25 [shall,] *must*, where possible, be placed in a cell separate from adults.

26 6. Whenever any child is halted by a peace officer for any violation
27 of a traffic law or ordinance which is punishable as a misdemeanor, the
28 peace officer may prepare and issue a written traffic citation under the
29 same criteria as would apply to an adult violator. If the child gives his
30 written promise to appear in court by signing the citation, the officer shall
31 deliver a copy of the citation to the child and shall not take him into
32 physical custody for the violation.

33 7. During the pendency of a criminal or quasi-criminal charge of
34 murder or attempted murder, a child may petition the juvenile division
35 for temporary placement in a juvenile detention facility. [pending final
36 disposition of the issue of jurisdiction.]

37 SEC. 2. This act shall become effective upon passage and approval.