

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON JUDICIARY

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 20, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:05 a.m., Wednesday, May 20, 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 William J. Raggio
Senator Jean Ford
Senator Don W. Ashworth
Senator William H. Hernstadt
Senator Sue Wagner

STAFF MEMBER PRESENT:

Shirley LaBadie, Committee Secretary

ASSEMBLY BILL NO. 561--Exempts small tear gas weapons for use in self-defense from certain statutory requirements.

Assemblyman Karen Hayes, District 13, stated she had two expert witnesses on A. B. No. 561, Mr. Paul Rosenbaum and Mr. James Balcorn, representing We Care America. She said the bill would legalize small amounts of mace for weapons. She showed the committee one which can be put on a key chain. It is now illegal but many of the women are carrying them. 42 states in the nation now have legalized this with no problems and asked the committee to consider making it legal in Nevada.

Mr. Balcorn stated his company is one of the largest distributors of these type of devices for self-protection in the United States. He said Nevada is one of the few states which does not allow a citizen to have access to these devices. He advised the committee crime with the use of tear gas is practically nonexistent. He said criminals are not concerned with legalities as with the use of a gun. Criminals prefer a gun or knife. There may be some misuse but in very few cases.

SENATE COMMITTEE ON JUDICIARY
May 20, 1981

Mr. Balcorn stated the use of the tear gas will, upon contact with the skin, dissolve the fatty deposits covering the nerve endings, it does not affect the skin. The air hitting the nerve endings causes extreme pain. Eyes will close voluntarily and for about 20 minutes, a person cannot function and will repent. A very small segment of the population may not have a reaction. This would be a person with a high pain threshold, such as a person on L. S. D. or on narcotics. In about 20 to 30 minutes, the body will restore the nerve covering and the person will be normal. This is not a product called C. N., commonly called mace. This weapon is C. S. which has been used by the military since 1959. Legislation is pending in several other states to legalize it. There are no after affects with the use of C. S. The technical name of C. S. is Orthochlorobenzylidene Malononitrile. Mr. Balcorn advised the committee the usual cost for one of the two ounce weapons is \$10.95.

Mr. Rosenbaum stated he had previously been Chairman of the Judiciary Committee for the state of Michigan. He said in working with groups of women concerned with crime, he had received total support from law enforcement divisions in Michigan. He said the police department in Michigan did not want to be burdened with the registration requirements. Only California requires registration. The language in the bill could cause some problems regarding this registration. He would like this amended. Ms. Hayes stated the language regarding registration was requested by Assemblyman Malone.

Ms. Hayes stated she had received support regarding A. B. No. 561 from both Washoe and Clark County police departments.

Mr. Jerry Maple, Sheriff, Douglas County, stated he would like to change the bill in several areas. He suggested a class be required in the use of the weapon. Presently there is a class given at the Community College which costs \$27 which includes a canister of gas. He suggested there can be some civil liabilities in the malicious use of the gas. Also the bill does not specify C.S. gas, there are side affects with C.N. gas. He would like to see it amended to be C.S. gas. He stated he does not authorize the use of this gas in his department because of the problems involved if a fight occurs between an officer and a criminal. He felt there is a need for this for women, he was not against the bill.

Senator Raggio questioned how to prohibit the indiscriminatory use of the weapon, especially with minors. Mr. Rosenbaum stated he has a company policy that the device would not be sold to anyone under 18 years of age.

SENATE COMMITTEE ON JUDICIARY
May 20, 1981

Mr. Balcorn stated in his experiences with the weapon, there have been very few problems in this area. However instructions are given with the selling of each of the devices as to the use and abuses of this device. In response to a question how the device can be obtained, Mr. Balcorn stated Shackley and Amway both sell this device.

Chairman Close stated if this bill is passed, it would open up the selling of this device over the counter without any instruction given. Mr. Rosenbaum stated even with the selling over the counter in other areas, no problems have been encountered with the abuse or misuse of the device.

Ms. Kaye Anderson, We Care America stated she was in support of the use of this weapon. She was personally involved in two cases where the use of the weapon averted injury.

Mr. Balcorn stated the Los Angeles Police Department is using this product and it is 96% effective when used in the streets. And this is on some very bizarre people.

Chairman Close asked if there was any objection to having the product marked that it is a tear gas product. He felt it should be marked clearly what it is. Mr. Balcorn stated it was nearly impractical. The case is attached to the keyring, therefore it is not forgotten when a person goes out. It would be difficult to put it on the case.

Mr. Rosenbaum stated in the sale of his product there is informative material given with the sale. Chairman Close suggested something should be printed on the outside case to inform a person of the potential harm in using the weapon. Mr. Rosenbaum stated there is no lasting harm and is 96% effective. Chairman Close stated there is some harm because of disabling of a person for approximately 20 minutes.

Chairman Close asked if some instruction should be given with the selling of the product. Mr. Balcorn stated in attending a committee hearing in California, that the instructions given were a farce. He said the best instructor is the person who is selling the product. Mr. Rosenbaum stated the only state requiring instruction is California and that will be eliminated during the next session of the legislature. One reason being it costs a person \$25 more to purchase the weapon and also the instruction is not effective or practical. He suggested Nevada not have this requirement.

SENATE COMMITTEE ON JUDICIARY
May 20, 1981

Mr. Jerry Maple stated he did not feel the registration of the weapon was necessary. Very few people would fill out a form and return it to the sheriff's department.

Ms. Jan Chastain, Chastain Insurance Agency, stated she felt the course requirements were not necessary. She said if she did become involved in them, she would make more money than in her insurance business because they were a rip-off. The people are making a tremendous amount of money. She also advised the committee a baby which had gotten a shot of the tear gas was perfectly all right after 30 minutes so there is no lasting effect. She said she is a distributor of the weapon. She said she felt free now to work nights in downtown areas and also be out after dark.

Ms. Alice Yoakam, Panagraphics, Reno, Nevada, stated she had taken a course in Fresno in the use of this weapon. She felt the citizens of Nevada needed this type of protection. She felt the course taken was invaluable and unnecessary.

Mr. Owen Reid, National Defense Products Corporation, handed out some information with regard to the tear gas weapons. See Exhibit C which is stored with the secretary's minutes. Mr. Reid stated crime is on the increase and felt the citizens need this type of protection if they so desire. He suggested the committee approve the proposed legislation. Mr. Reid stated he wanted to quote Mr. Mills Lane. He said "I wish that every woman regardless of age had one of these in their purse."

SENATE BILL NO. 282--Establishes immunity from liability for certain persons and authorizes creation of centers for collection and distribution of donated food.

Senator Ford advised the committee the Assembly Judiciary Committee had proposed some amendments to S. B. No. 282. The committee discussed them and made the following motion.

Senator Don Ashworth moved to concur with Amendment No. 982 to S. B. No. 282.

Senator Wagner seconded the motion.

The motion carried.

SENATE COMMITTEE ON JUDICIARY
May 20, 1981

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

Chairman Close advised the committee the Assembly Judiciary Committee had proposed amendments to S. B. No. 530. Committee discussion resulted in the following motion.

Senator Don Ashworth moved to concur with Amendment No. 953 to S. B. No. 530.

Senator Hernstadt seconded the motion.

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

ASSEMBLY BILL NO. 561--Exempts small tear gas weapons for use in self-defense from certain statutory requirements. (Exhibit E)

Senator Raggio asked that the bill be amended to cover the situation of an ex-felon possession. Senator Don Ashworth stated the bill should be restricted to C.S. gas. Senator Keith Ashworth said he would like the registration section taken out. Discussion of the section regarding minor children resulted in the deletion of minor so that a child could purchase the weapon. Senator Wagner stated she would not vote for the bill if that was the consensus of the committee.

Senator Don Ashworth moved to amend and Do Pass A. B. No. 561.

Senator Hernstadt seconded the motion.

The motion carried. (Senator Wagner did not vote, Senator Raggio was absent for the vote.)

SENATE BILL NO. 372--Revises statutes relating to adoption of minor children.

Chairman Close advised the committee the bill had been referred back to the committee and asked for a motion to indefinitely postpone bill. Mr. Kris Martin had advised him she did not like the bill as written.

Senator Hernstadt moved to indefinitely postpone S. B. No. 372.

There was no second to the motion, and further discussion resulted in no decision by the committee regarding the bill.

SENATE COMMITTEE ON JUDICIARY
May 20, 1981

SENATE BILL NO. 654--Revises provisions governing termination of parental rights. (Exhibit F)

Senator Raggio advised the committee the State Welfare Division had proposed some amendments to S. B. No. 654. Discussion of the amendments resulted in the adoption of all of them except to delete Section 8 of the bill. See Exhibit D attached hereto.

Senator Don Ashworth moved to amend and do Pass S. B. No. 654.

Senator Wagner seconded the motion.

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

SENATE BILL NO. 660--Makes optional provisions of Bankruptcy Act of 1978 which specify certain exemptions from execution inapplicable in Nevada.

Chairman Close advised the committee the proposed legislation of S. B. No. 660 was included in another bill, therefore it was not needed.

Senator Raggio moved to indefinitely postpone S. B. No. 660.

Senator Wagner seconded the bill.

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

SENATE BILL NO. 684--Allows corporation listed on foreign securities exchange to register with gaming commission as publicly traded corporation under certain circumstances. (Exhibit G)

Chairman Close advised the committee Patty Becker had proposed some amendments to S. B. No. 684. Mr. Harvey Whittemore stated he was in agreement with them as drafted. Senator Wagner stated she would vote for the bill but wanted to look at the law in two years and see what has transpired in that time. She was concerned that the gaming control board was not in wholehearted support of the bill. Chairman Close stated he would vote against the bill because he did not feel it was appropriate to start liberalizing foreign involvement in Nevada gaming. Senator Raggio stated that is already a policy. Chairman Close answered it was approved two years ago and he does not agree with it now.

SENATE COMMITTEE ON JUDICIARY
May 20, 1981

SENATE BILL NO. 684

Senator Raggio moved to amend and do Pass S. B. No. 684.

Senator Wagner seconded the motion.

The motion carried. (Senators Raggio, Wagner, Ford and Hernstadt voted for the motion. Senators Close, Don Ashworth and Keith Ashworth voted against the motion.

Chairman Close advised the committee all the senate bills had been processed except for S. B. No. 271, the racketeering bill.

ASSEMBLY BILL NO. 87--Increases penalties for certain false imprisonment and batteries; prohibits sexual conduct between prisoners and employees of department of prisons. (Exhibit H)

Senator Wagner moved to indefinitely postpone A. B. No. 87.

Senator Keith Ashworth seconded the motion.

The motion failed. Senators Wagner and Keith Ashworth voted for the motion. Senators Close, Don Ashworth, Raggio, Ford and Hernstadt voted against the motion.

Senator Don Ashworth moved to do Pass A. B. No. 87.

Senator Hernstadt seconded the motion.

The motion carried. (Senators Close, Don Ashworth, Raggio, and Hernstadt voted for the motion. Senators Keith Ashworth and Wagner voted against the motion. Senator Ford abstained from voting.

ASSEMBLY BILL NO. 93--Changes requirements for issuing marriage licenses and solemnizing marriages.

Senator Raggio moved to indefinitely postpone A. B. No. 93.

Senator Ford seconded the motion.

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

SENATE COMMITTEE ON JUDICIARY
May 20, 1981

ASSEMBLY JOINT RESOLUTION NO. 30--Proposes constitutional amendment to remove prohibition against adding judges and changing districts during term of incumbent. (Exhibit I)

Assemblyman Barengo stated it changes the problems involved with adding judges during the terms of office when there is no vacancy. By changing this, you can increase them but not diminish them.

Senator Wagner moved to do Pass A. J. R. No. 30.

Senator Raggio seconded the motion.

The motion carried unanimously.


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

Respectfully submitted:



Shirley LaBadie, Secretary

APPROVED BY:



Senator Melvin D. Close, Chairman

DATE: May 28, 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213.
Day Wednesday, Date May 20, Time 8:00 a.m.

A. B. No. 561--Exempts small tear gas weapons for use in self-defense from certain statutory requirements.

SENATE COMMITTEE ON JUDICIARY

EXHIBIT B

DATE: May 19, 1981

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME

ORGANIZATION & ADDRESS

TELEPHONE

Paul A. Kunkum	We Care America 4512... St Louis	
James Baleam	We Care America 95... St Louis, Mo 6310	
Jerry Maple	DCSO	
Kaye Anderson	We Care America 2535 Oppio St Sparks	358-4669
Jane Chastain	Chastain Insur Agency	329-9889
Alice Yeakam	Panagraphics	329-6148
Owen Reid	Nat. Defense Products Corp	322-0475

St. Ann's Blood - The Missouri

One Hundred and Sixteen Years of Public Service

The Crime Backlash Here Tear Gas Weapons, Burglar Alarms, Watch Dogs, Karate, Heavy Canes Are Being Used by Some Frightened Citizens

By LARRY FIELDS
Pro-Democrat Staff Writer

(1st of a Series)

Over the meat counter at Finninger's 5114 Lillian ave., is a huge red-and-white sign proclaiming:

PARALYZER
Tear Gas Aerosol
Chemical Defense Weapon
SOLD HERE

people in the St. Louis area, just as people in every city and town in America.

Some — not all, not most, but a considerable some — are worried about the crime lurking on the nervous streets of the nation. And this epidemic of crime produces a side-effect of fear which, unless it is checked — the crime and the fear — can turn a vigilant America into a vigilante America.

THE CITY'S HIGH CRIME areas are where the blood flows. But there are still many peaceful and quiet areas in the city. The city is where the fists fly, the stamping ground of stompings, where guns are flashed and used as are knives, straight razors, rocks — all part and violent parcel of a new and senseless type of lawlessness. Beat as well as a victim. "That," said a high-ranking St. Louis Police official, "is because so many of the

not only on sale in Finninger's Market, but in drug stores, service stations, sporting goods shops, department stores, car washes — all types of establishments all over the area. "I just carry the tear-gas spray as a convenience to my customers," explained

'Many of them (kids) don't even care for the look. It's the blood, the broken faces that give them their kicks.'

Charles Finninger, owner of the Lillian Street market.

"THERE HAVE BEEN a lot of purse snatchings in the neighborhood," he said. "I bought a dozen of the canisters (which contain the spray and retail at \$5.95 each) a few weeks ago and I was sold out in no time. So I recently ordered another dozen."

Finninger said not one of his customers has had occasion to use the "Paralyzer," but many women carry them.

"Paralyzer" is manufactured by a St. Louis firm which calls itself Defense Products Mfg. Corp., located at 1628 S. Hanley Road.

John R. Boal is the Executive Vice-President of Defense Products Mfg. Corp., a company which has grown phenomenally in the past few years.

BOAL, A GOODLOOKING MAN in his mid-thirties who formerly sold insurance and was in the car wash business, told this reporter that his product was much more effective than the better known Mace. "They use a simple CN gas formula (standard tear gas) while we use a CS formula (stan-

guards to escort his female employees to their automobiles and busses after dark at some buildings.

Most hospitals have guards to escort their personnel and visitors to the parking lot and bus stops after the sun sets.

There are guards in schools, public and private, and in every type of business imaginable.

And with it all, the crime rates soar. Has Dodge City really been tamed? Is Tombstone, Ariz., really just a relic?

They say animals can smell fear. Sniff in deeply.

Can you smell it? Perhaps there isn't all that difference between humans and animals.

"PARALYZER"
TEAR GAS AEROSOL
SOLD HERE

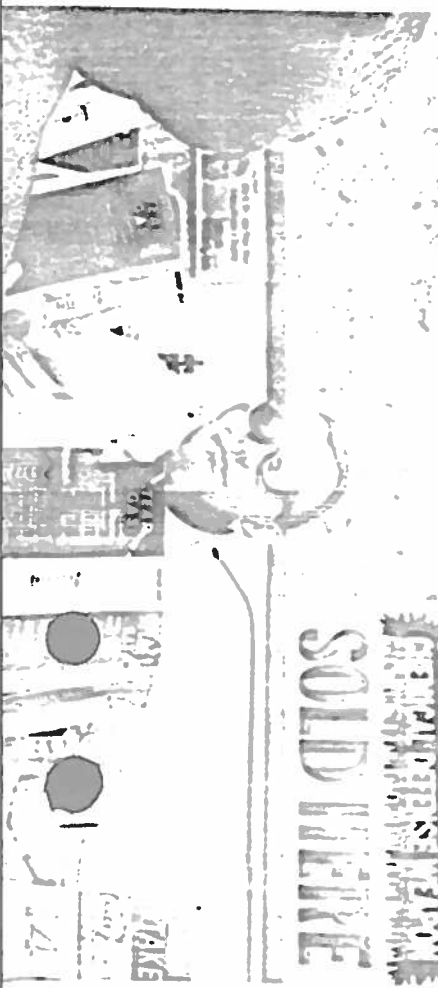


Exhibit C

**THIS EXHIBIT IS MISSING FROM BOTH THE ORIGINAL
MINUTES AND THE MICROFICHE.**

(only the first page was included)

Section 6

The Welfare Division feels this section needs to be more limited in scope and that it needs to be related to parenting ability.

#1. We recommend that the following be added to #1:

OK Emotional illness, mental illness or mental deficiency of the parent rendering the parent consistently unable to care for the immediate and continuing physical or psychological needs of the child for extended periods of time.

NO We feel that #2 is too vague and should be deleted.

OK We feel #3 should be limited to excessive use of intoxicating liquors, controlled substances or dangerous drugs rendering the parent consistently unable to care for the child.

We feel #4 is too broad. We recommend the following language: Repeated or continuous failure by the parent or parents, although physically and financially able, to provide the child with adequate food, clothing, shelter and education or other care and control necessary for his physical, mental and emotional health and development, but a person who, legitimately practicing his religious beliefs, does not provide specified medical treatment for a child is not for that reason alone a negligent parent.

We feel #5 is too broad. We recommend the following language: Conviction

of the parent or parents for commission of a felony, if the facts of the crime are of such a nature as to ^{indicate} ~~prove~~ the unfitness of the parent or parents to provide adequate care and control to the extent necessary for the child's physical, mental or emotional health and development.

Section 13

We feel the language in this section is vague and archaic. We recommend that this definition be revised as follows:

OK
The parent is unfit if the conduct or condition of the parent is such that it renders him unable to properly care for the child and such conduct or condition is unlikely to change in the foreseeable future.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 561

ASSEMBLY BILL NO. 561—ASSEMBLYMEN HAYES, WESTALL,
FOLEY, HAM, CAFFERATA AND SADER

APRIL 24, 1981

Referred to Committee on Judiciary

SUMMARY—Exempts small tear gas weapons for use in self-defense from certain statutory requirements. (BDR 16-1666)

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 tear gas bombs and weapons; permitting the sale, possession and use of certain small weapons for self-defense which contain "CS" tear gas; requiring sellers to record certain information concerning those sales; prohibiting convicted persons from possessing devices which use tear gas; providing penalties; 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 193.165 is hereby amended to read as follows:

2 193.165 1. Any person who uses a firearm or other deadly weapon
3 *or a weapon containing or capable of emitting tear gas, whether or not its*
4 *possession is permitted by section 2 of this act*, in the commission of a
5 crime shall be punished by imprisonment in the state prison for a term
6 equal to and in addition to the term of imprisonment prescribed by statute
7 for such crime. The sentence prescribed by this section shall run
8 consecutively with the sentence prescribed by statute for such crime.

9 2. This section does not create any separate offense but provides an
10 additional penalty for the primary offense, whose imposition is contingent
11 upon the finding of the prescribed fact.

12 3. The provisions of subsections 1 and 2 do not apply where the use
13 of a firearm, [or] other deadly weapon *or tear gas* is a necessary ele-
14 ment of such crime.

15 4. The court shall not grant probation to or suspend the sentence of
16 any person who is convicted of using a firearm, [or] other deadly weapon
17 *or tear gas* in the commission of any of the following crimes:

- 18 (a) Murder;
19 (b) Kidnaping in the first degree;
20 (c) Sexual assault; or
21 (d) Robbery.

1 SEC. 2. Chapter 202 of NRS is hereby amended by adding thereto a
2 new section which shall read as follows:

3 1. *The provisions of NRS 202.370 to 202.440, inclusive, do not*
4 *apply to the sale or purchase by any adult, or the possession or use by*
5 *any person, including a minor but not including a convicted person as*
6 *defined in NRS 207.080, of any form of:*

7 (a) *Cartridge which contains not more than 2 fluid ounces in volume of*
8 *“CS” tear gas that may be propelled by air or another gas, but not an*
9 *explosive, in the form of an aerosol spray; or*

10 (b) *Weapon designed for the use of such a cartridge which does not*
11 *exceed that size,*
12 *and which is designed and intended for use as an instrument of self-*
13 *defense.*

14 2. *A seller, before delivering to a purchaser a cartridge or weapon*
15 *which may be sold pursuant to subsection 1, must record and maintain*
16 *for not less than 2 years the name and address of the purchaser and the*
17 *brand name, model number or type, and serial number if there is one, of*
18 *the weapon or cartridge, or both.*

19 3. *The provisions of NRS 202.370 to 202.440, inclusive, do not pro-*
20 *hibit police departments or regular salaried peace officers thereof, sheriffs*
21 *and their regular salaried deputies, the director, deputy director and*
22 *superintendents of, and guards employed by, the department of prisons,*
23 *personnel of the Nevada highway patrol or the military or naval forces*
24 *of this state or of the United States from purchasing, possessing or trans-*
25 *porting any shells, cartridges, bombs or weapons for official use in the*
26 *discharge of their duties.*

27 4. *As used in this section, “CS” tear gas means a crystalline powder*
28 *containing ortho-chlorobenzalmalononitrile.*

29 SEC. 3. NRS 202.370 is hereby amended to read as follows:

30 202.370 As used in NRS 202.370 to 202.440, inclusive [:] , and
31 section 2 of this act:

32 1. “Shell,” “cartridge” or “bomb” [shall be construed to apply to
33 and include] *includes* all shells, cartridges or bombs capable of being dis-
34 charged or exploded, when such discharge or explosions will cause or
35 permit the release or emission of tear gas.

36 2. “Tear gas” [shall be construed to apply to and include] *includes*
37 all liquid, gaseous or solid substances intended to produce temporary
38 physical discomfort or permanent injury through being vaporized or
39 otherwise dispersed in the air. [“Tear gas”] *The term* does not include
40 a liquid, gaseous or solid substance whose active ingredient is composed
41 of natural substances or products derived from natural substances which
42 cause no permanent injury through being vaporized or otherwise dis-
43 persed in the air.

44 3. “Weapon designed for the use of such shell, cartridge or bomb”
45 [shall be construed to apply to and include] *includes* all revolvers,
46 pistols, fountain pen guns, billies, riot guns or other form of device, port-
47 able or fixed, intended for the projection or release of tear gas except
48 those regularly manufactured and sold for use with firearm ammunition.

49 SEC. 4. NRS 202.380 is hereby amended to read as follows:

1 202.380 1. Every person, [firm or corporation] *other than a con-*
2 *victed person*, who within [the State of Nevada] *this state* knowingly sells
3 or offers for sale, possesses or transports any form of shell, cartridge or
4 bomb containing or capable of emitting tear gas, or any weapons designed
5 for the use of such shell, cartridge or bomb, except as permitted under
6 the provisions of NRS 202.370 to 202.440, inclusive, is guilty of a gross
7 misdemeanor.

8 2. [Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit
9 police departments or regular salaried peace officers thereof, sheriffs and
10 their regular salaried deputies, the director, deputy director and superin-
11 tendents of, and guards employed by, the department of prisons, person-
12 nel of the Nevada highway patrol or the military or naval forces of this
13 state or of the United States from purchasing, possessing or transporting
14 such shells, cartridges, bombs or weapons for official use in the discharge
15 of their duties.] *Any convicted person who owns or has in his possession*
16 *or under his custody or control any form of shell, cartridge or bomb con-*
17 *taining or capable of emitting tear gas, or any weapon designed for the*
18 *use of such a shell, cartridge or bomb, is guilty of a felony.*

19 3. *As used in this section, the term "convicted person" has the mean-*
20 *ing ascribed to it in NRS 207.080.*

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT

S. B. 654

SENATE BILL NO. 654—COMMITTEE ON JUDICIARY

MAY 7, 1981

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing termination of parental rights.
(BDR 11-1963)

FISCAL NOTE: Effect on Local Government: Yes.
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 termination of parental rights; revising provisions governing the grounds and procedures therefor; eliminating provisions for temporary orders terminating parental rights; 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 128 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this act.
3 SEC. 2. "Case plan" means:
4 1. A written agreement between the parents of a child who is a ward
5 of the juvenile court pursuant to chapter 62 of NRS and the agency hav-
6 ing custody of the child; or
7 2. Written conditions and obligations imposed upon the parents
8 directly by the juvenile court,
9 which have a primary objective of reuniting the family or, if the parents
10 neglect or refuse to comply with the terms and conditions of the case
11 plan, freeing the child for adoption.
12 SEC. 3. "Child" means a person under the age of 18 years.
13 SEC. 4. 1. "Injury" to a child's health or welfare occurs when the
14 parent, guardian or custodian:
15 (a) Inflicts or allows to be inflicted upon the child, physical, mental
16 or emotional injury, including injuries sustained as a result of excessive
17 corporal punishment;
18 (b) Commits or allows to be committed against the child, sexual
19 abuse as defined in NRS 200.5011;
20 (c) Neglects or refuses to provide for the child proper or necessary
21 subsistence, education or medical or surgical care, although he is finan-
22 cially able to do so or has been offered financial or other reasonable
23 means to do so; or

1 (d) Fails, by specific acts or omissions, to provide the child with ade-
2 quate care, supervision or guardianship under circumstances requiring
3 the intervention of the welfare division of the department of human
4 resources or a county agency authorized by the juvenile court to receive
5 and investigate reports of child abuse and neglect pursuant to NRS
6 200.504, or of the court itself.

7 2. A child's health or welfare is not considered injured solely because
8 his parent or guardian, in the practice of his religious beliefs, selects and
9 depends upon nonmedical remedial treatment for the child, if such treat-
10 ment is recognized and permitted under the laws of this state.

11 SEC. 5. "Mental injury" means an injury to the intellectual or psy-
12 chological capacity of a child as evidenced by an observable and sub-
13 stantial impairment in his ability to function within his normal range of
14 performance and behavior.

15 SEC. 6. In determining neglect by or unfitness of a parent, the court
16 shall consider, without limitation, the following conditions which may
17 diminish suitability as a parent:

18 1. Emotional illness, mental illness or mental deficiency of the par-
19 ent which renders the parent consistently unable to care for the immediate
20 and continuing physical or psychological needs of the child for extended
21 periods of time.

22 2. Conduct toward a child of a physically, emotionally or sexually
23 cruel or abusive nature.

24 3. Excessive use of intoxicating liquors, controlled substances or
25 dangerous drugs which renders the parent consistently unable to care for
26 the child.

27 4. Repeated or continuous failure by the parent or parents, although
28 physically and financially able, to provide the child with adequate food,
29 clothing, shelter, education or other care and control necessary for his
30 physical, mental and emotional health and development, but a person
31 who, legitimately practicing his religious beliefs, does not provide speci-
32 fied medical treatment for a child is not for that reason alone a negligent
33 parent.

34 5. Conviction of the parent or parents for commission of a felony, if
35 the facts of the crime are of such a nature as to indicate the unfitness of
36 the parent or parents to provide adequate care and control to the extent
37 necessary for the child's physical, mental or emotional health and devel-
38 opment.

39 6. Unexplained injury or death of a sibling of the child.

40 7. Inability of appropriate public or private agencies to reunite the
41 family despite reasonable efforts on the part of the agencies.

42 SEC. 7. If a child is not in the physical custody of the parent or par-
43 ents, the court, in determining whether parental rights should be termi-
44 nated, shall consider, without limitation:

45 1. The services provided or offered to the parent or parents to facili-
46 tate a reunion with the child.

47 2. The physical, mental or emotional condition and needs of the
48 child and his desires regarding the termination, if the court determines he
49 is of sufficient capacity to express his desires.

1 3. The effort the parent or parents have made to adjust their cir-
2 cumstances, conduct or conditions to make it in the child's best interest
3 to return him to his home after a reasonable length of time, including
4 but not limited to:

5 (a) The payment of a reasonable portion of substitute physical care
6 and maintenance, if financially able;

7 (b) The maintenance of regular visitation or other contact with the
8 child which was designed and carried out in a plan to reunite the child
9 with the parent or parents; and

10 (c) The maintenance of regular contact and communication with the
11 custodian of the child.

12 4. Whether additional services would be likely to bring about lasting
13 parental adjustment enabling a return of the child to the parent or parents
14 within a predictable period of time.

15 For purposes of this section, the court shall disregard incidental contri-
16 butions, contacts and communications.

17 SEC. 8. If a child is in the custody of a public or private agency and
18 has been placed and resides in a foster home and the custodial agency
19 institutes proceedings pursuant to this chapter regarding the child, with an
20 ultimate goal of having the child's foster parent or parents adopt him, the
21 court shall consider whether the child has become integrated into the
22 foster family to the extent that his familial identity is with that family, and
23 whether the foster family is able and willing permanently to treat the child
24 as a member of the family. The court shall consider, without limitation:

25 1. The love, affection and other emotional ties existing between the
26 child and the parents, and the child's ties with the foster family.

27 2. The capacity and disposition of the child's parents from whom
28 the child was removed as compared with that of the foster family to give
29 the child love, affection and guidance and to continue the education
30 of the child.

31 3. The capacity and disposition of the parents from whom the child
32 was removed as compared with that of the foster family to provide the
33 child with food, clothing and medical care and to meet other physical,
34 mental and emotional needs of the child.

35 4. The length of time the child has lived in a stable, satisfactory
36 foster home and the desirability of his continuing to live in that environ-
37 ment.

38 5. The permanence as a family unit of the foster family.

39 6. The moral fitness, physical and mental health of the parents from
40 whom the child was removed as compared with that of the foster family.

41 7. The experiences of the child in the home, school and community,
42 both when with the parents from whom he was removed and when with
43 the foster family.

44 8. Any other factor considered by the court to be relevant to a par-
45 ticular placement of the child.

46 SEC. 9. NRS 128.005 is hereby amended to read as follows:

47 128.005 1. The legislature declares that the preservation and
48 strengthening of family life is a part of the public policy of this state.

49 2. The legislature finds that:

50 (a) Severance of the parent and child relationship is a matter of such

1 importance in order to safeguard the rights of parent and child as to
2 require judicial determination [; and].

3 (b) Judicial selection of the person or agency to be entrusted with the
4 custody and control of a child after such severance promotes the welfare
5 of the parties and of this state.

6 (c) *The continuing needs of a child for proper physical, mental and*
7 *emotional growth and development are the decisive considerations in pro-*
8 *ceedings for termination of parental rights.*

9 SEC. 10. NRS 128.010 is hereby amended to read as follows:

10 128.010 As used in this chapter, unless the context otherwise
11 requires, the words and terms defined in NRS 128.011 to 128.018,
12 inclusive, and sections 2 to 5, inclusive, of this act, have the meanings
13 ascribed to them in those sections.

14 SEC. 11. NRS 128.012 is hereby amended to read as follows:

15 128.012 1. "Abandonment of a child" [imports] means any con-
16 duct of one or both parents of a child which evinces a settled purpose on
17 the part of one or both parents to forego all parental custody and relin-
18 quish all claims to the child. [, and]

19 2. *If a parent or parents of a child [who] leave the child in the care*
20 *and custody of another without provision for his support and without*
21 *communication for a period of 6 months, or if the child is left under such*
22 *circumstances that the identity of the parents is unknown and cannot be*
23 *ascertained despite diligent searching, and the parents do not come for-*
24 *ward to claim the child within 3 months after he is found, the parent or*
25 *parents are presumed to have intended to abandon the child.*

26 SEC. 12. NRS 128.014 is hereby amended to read as follows:

27 128.014 "Neglected child" [is] includes a child:

- 28 1. Who lacks the proper parental care by reason of the fault or hab-
29 its of his parent, guardian or custodian;
- 30 2. Whose parent, guardian or custodian neglects or refuses to provide
31 proper or necessary subsistence, education, medical or surgical care, or
32 other care necessary for his health, morals or well-being;
- 33 3. Whose parent, guardian or custodian neglects or refuses to provide
34 the special care made necessary by his physical or mental condition;
- 35 4. Who is found in a disreputable place, or who is permitted to asso-
36 ciate with vagrants or vicious or immoral persons; or
- 37 5. Who engages or is in a situation dangerous to life or limb, or
38 injurious to health or morals of himself or others,
39 and the parent's neglect need not be willful.

40 SEC. 13. NRS 128.018 is hereby amended to read as follows:

41 128.018 "Unfit parent" is any parent of a child who, by reason of
42 his fault or habit or conduct toward the child or other persons, fails to
43 provide such child with proper care, guidance and support. [, or who
44 knowingly permits such child to associate with vagrants, vicious or
45 immoral persons, or to live in a disreputable place.]

46 SEC. 14. NRS 128.020 is hereby amended to read as follows:

47 128.020 The district courts have jurisdiction in all cases and pro-
48 ceedings under this chapter. The jurisdiction of the district courts extends
49 to any [person] child who should be declared free from the custody and
50 control of either or both of his parents. [The words "person who should

1 be declared free from the custody and control of either or both of his
2 parents," include any person under the age of 18 years, who has been
3 abandoned or neglected by either or both his parents, is a child of an
4 unfit parent or parents, or whose mother has been abandoned by his
5 father or putative father, as those terms are defined in this chapter, if the
6 fact of such abandonment, parental unfitness or neglect has not been judi-
7 cially established by a court of competent jurisdiction.】

8 SEC. 15. NRS 128.030 is hereby amended to read as follows:

9 128.030 A petition alleging that there is or resides within the county
10 a child who [has been abandoned by his parent or parents, or neglected
11 by either parent, is a child of an unfit parent or parents or whose mother
12 has been abandoned by his father or putative father, and that such child]
13 should be declared free from the custody and control of his parent or par-
14 ents [; and praying that the district court deal with such person as pro-
15 vided in this chapter,】 may be filed at the election of the petitioner in:

- 16 1. The county in which [such person] *the child* is found;
- 17 2. The county in which the acts complained of occurred; or
- 18 3. The county in which the [person] *child* resides.

19 SEC. 16. NRS 128.050 is hereby amended to read as follows:

20 128.050 1. The proceedings [shall] *must* be entitled, "In the matter
21 of the parental rights as to, a minor."

22 2. A petition [shall] *must* be verified and may be upon information
23 and belief. It [shall] *must* set forth plainly:

- 24 (a) The facts which bring the child within the purview of this chapter.
- 25 (b) The name, *age* and residence of the child.
- 26 (c) The names and residences of his parents.
- 27 (d) The name and residence of the person or persons having *physical*
28 custody or control of the child.
- 29 (e) The name and residence of his legal guardian, if there be one.

30 (f) The name and residence of the *child's* nearest known relative [to
31 the child,】 residing within the state, if no parent or guardian can be
32 found.

33 3. If any of the facts required by subsection 2 are not known by the
34 petitioner, the petition [shall] *must* so state.

35 4. If the petitioner is a mother filing with respect to her unborn child,
36 the petition [shall] *must* so state and [shall] *must* contain the name and
37 residence of the father or putative father, if known.

38 SEC. 17. NRS 128.090 is hereby amended to read as follows:

39 128.090 1. At the time stated in the notice, or at the earliest time
40 thereafter to which the hearing may be postponed, the court shall proceed
41 to hear the petition. [and]

42 2. *The proceedings are civil in nature and are governed by the Nevada*
43 *Rules of Civil Procedure. The court shall in all cases require the peti-*
44 *tioner to establish the facts and shall give full and careful consideration*
45 *[of] to all of the evidence presented, with due regard to the rights and*
46 *claims of the parent or parents of [such person] the child and to any and*
47 *all ties of blood or affection, but with a dominant purpose of serving the*
48 *best interests of [such minor person.] the child.*

49 3. *The standard of proof to be adduced in the proceedings is a pre-*
50 *ponderance of the evidence.*

1 4. Information contained in a report filed pursuant to NRS 200.501
2 to 200.509, inclusive, may not be excluded from the proceeding by the
3 invoking of any privilege.

4 5. In the event of postponement, all persons served, who are not present
5 or represented in court at the time of [such] the postponement,
6 [shall] must be notified thereof [by the clerk by registered or certified
7 mail.] in the manner provided by the Nevada Rules of Civil Procedure.

8 SEC. 18. NRS 128.100 is hereby amended to read as follows:

9 128.100 1. In any [such] proceeding [the judge may appoint an
10 attorney to act on behalf of such minor person, or on behalf of the petitioner.]
11 for terminating parental rights, or any rehearing or appeal
12 thereon, the court may appoint an attorney to represent the child as his
13 counsel and guardian ad litem.

14 2. If the parent or parents of the child desire to be represented by
15 counsel, but are indigent, the court may appoint an attorney for them.

16 3. Each attorney appointed under the provisions of this section is
17 entitled to the same compensation and expenses from the county as provided
18 in NRS 7.125 for attorneys appointed to represent persons charged
19 with crimes.

20 SEC. 19. NRS 128.105 is hereby amended to read as follows:

21 128.105 [1. A finding by the court of any one of the following:

22 (a)] An order of the court for termination of parental rights may be
23 made on the grounds that the termination is in the child's best interest in
24 light of the considerations set forth in this section and sections 6 to 8,
25 inclusive, of this act:

26 1. Abandonment of [a] the child;

27 [(b)] 2. Neglect of [a] the child; [or

28 (c)] 3. Unfitness of [a] the parent; [

29 is sufficient ground for termination of parental rights.

30 2. Upon a finding by the court that a parent or parents have made
31 only]

32 4. Risk of serious physical, mental or emotional injury to the child
33 if he were returned to, or remains in, the home of his parent or parents;

34 5. Only token efforts [:] by the parent or parents:

35 (a) To support or communicate with the child;

36 (b) To prevent neglect of the child; [or]

37 (c) To avoid being an unfit parent; [

38 the court may declare the child abandoned or neglected or the parent
39 unfit.

40 3. A finding by the court that a mother has been abandoned is sufficient
41 ground for]

42 (d) To eliminate the risk of serious physical, mental or emotional
43 injury to the child; or

44 6. With respect to termination of the [father's] parental rights [.]
45 of one parent, the abandonment by that parent.

46 SEC. 20. NRS 128.110 is hereby amended to read as follows:

47 128.110 Whenever the procedure described in this chapter has been
48 followed, and upon [making the] finding [required by] grounds for

1 *termination of parental rights pursuant to NRS 128.105* at a hearing upon
2 the petition, the court shall make a [temporary or final] written order,
3 signed by the judge presiding in [such] *the* court, judicially depriving the
4 parent or parents of the custody and control of, and terminating the
5 parental rights of the parent or parents with respect to [such minor per-
6 son,] *the child*, and declaring [such person] *the child* to be free from
7 such custody or control, and placing [those rights] *custody and control*
8 in some person or agency qualified by the laws of this state to provide
9 services and care to children, or to receive any children for placement.
10 [Whenever a temporary order is made, the court shall retain jurisdiction
11 of the matter and may thereafter, and upon such notice as shall be
12 required by the court, hear further evidence and may enter any order
13 which could have been made on the completion of the original hearing.]

14 SEC. 21. NRS 128.120 is hereby amended to read as follows:

15 128.120 Any [final] order made and entered by the court under the
16 provisions of NRS 128.110 [shall be] *is* conclusive and binding upon
17 the person declared to be free from the custody and control of his parent
18 or parents, and upon all other persons who have been served with notice
19 by publication or otherwise, as provided by this chapter. After the making
20 of [such final] *the* order, the court [shall have] *has* no power to set
21 aside, change or modify [the same;] *it*, but nothing in this chapter [shall
22 be construed to impair] *impairs* the right of appeal.

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

S. B. 684

SENATE BILL NO. 684—COMMITTEE ON JUDICIARY

MAY 14, 1981

Referred to Committee on Judiciary

SUMMARY—Allows corporation listed on foreign securities exchange to register with gaming commission as publicly traded corporation under certain circumstances. (BDR 41-2070)

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 control of gaming; providing a procedure to allow a corporation organized under the laws of another country and trading on a foreign securities exchange to register with the Nevada gaming commission as a publicly traded corporation; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 463.482 is hereby amended to read as follows:
2 463.482 As used in NRS 463.160 to 463.170, inclusive, 463.386,
3 [and] 463.482 to 463.645, inclusive, and sections 4 and 5 of this act,
4 the words and terms defined in NRS 463.483 to 463.488, inclusive, have
5 the meanings ascribed to them in those sections, unless the context other-
6 wise requires.
- 7 SEC. 2. NRS 463.487 is hereby amended to read as follows:
8 463.487 "Publicly traded corporation" means : [any]
9 1. Any corporation or other legal entity except a natural person
10 which:
11 [1.] (a) Has one or more classes of securities registered pursuant to
12 section 12 of the Securities Exchange Act of 1934, as amended (15
13 U.S.C. § 781); or
14 [2.] (b) Is an issuer subject to section 15(d) of the Securities
15 Exchange Act of 1934, as amended (15 U.S.C. § 781) [.] ; or
16 2. Any corporation or other legal entity created under the laws of a
17 foreign country:
18 (a) Which has one or more classes of securities registered on that coun-
19 try's securities exchange or over-the-counter market; and
20 (b) Whose activities have been found by the commission to be regulated
21 in a manner which protects the investors and the State of Nevada.
- 22 SEC. 3. Chapter 463 of NRS is hereby amended by adding thereto
23 the provisions set forth as sections 4 and 5 of this act.

1 SEC. 4. 1. A corporation or other legal entity which is organized
2 under the laws of another country and seeks to register with the commis-
3 sion as a publicly traded corporation must submit an application to the
4 board.

5 2. The application must provide the board with information showing
6 that the applicant's business activities are regulated by a governmental
7 authority of the foreign country in a manner which will prevent those
8 activities from posing any threat to the control of gaming in this state.

9 3. The board may conduct an investigation of the applicant and the
10 governmental authority responsible for regulation of the applicant. The
11 board shall require the applicant to pay the board's anticipated expenses
12 for such an investigation, and may, after completing such an investigation,
13 charge the applicant any amount necessary to cover an underpayment of
14 the actual expenses.

15 SEC. 5. In determining whether to recommend that the commission
16 approve such an application, the board may consider, in addition to all
17 other requirements of this chapter:

18 1. Whether the governmental authority in the foreign country has an
19 effective system to regulate the applicant and the relations between the
20 investing public and the applicant and other corporations listed on the
21 exchange;

22 2. Whether the system includes:

23 (a) A requirement that the listed corporations make full disclosure of
24 information to the investing public;

25 (b) A requirement that the listed corporations file periodic reports with
26 the governmental authority;

27 (c) A method to prevent any manipulation of the prices of securities
28 or any employment of deceptive or misleading devices; and

29 (d) A restriction on margins to prevent any excessive use of credit for
30 the purchase or carrying of securities listed on the exchange;

31 3. The availability of means by which the board and commission may
32 obtain adequate information from the governmental authority in the
33 foreign country concerning the applicant's activities; and

34 4. Such other matters as the board finds it necessary to consider in
35 order to protect regulated gaming in Nevada.

36 The board may, in its sole discretion, reject any such application without
37 conducting an investigation or hearing.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 87

ASSEMBLY BILL NO. 87—COMMITTEE ON JUDICIARY

JANUARY 30, 1981

Referred to Committee on Judiciary

SUMMARY—Increases penalties for certain false imprisonment and batteries; prohibits sexual conduct between prisoners and employees of department of prisons. (BDR 16-268)

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 crimes and punishments; increasing penalties for certain false imprisonment and batteries; prohibiting sexual conduct between prisoners and persons engaged in their custody or confinement; 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 212 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *It is unlawful for:*
4 (a) *A prisoner who is in lawful custody or confinement to engage vol-*
5 *untarily in sexual conduct with a person who has custody of him or an*
6 *employee of the institution in which he is confined; or*
7 (b) *A person who has custody of a prisoner or who is an employee of*
8 *an institution in which a prisoner is confined, to engage voluntarily in sex-*
9 *ual conduct with a prisoner.*
10 2. *As used in this section, sexual conduct means acts of masturbation,*
11 *homosexuality, sexual intercourse or physical contact with another's*
12 *unclothed genitals or pubic area.*
13 SEC. 2. NRS 200.460 is hereby amended to read as follows:
14 200.460 1. False imprisonment is an unlawful violation of the per-
15 sonal liberty of another, and consists in confinement or detention without
16 sufficient legal authority.
17 2. Any person convicted of false imprisonment shall pay all damages
18 sustained by the person so imprisoned, and [shall be punished for] ,
19 except as provided in subsection 3, is guilty of a gross misdemeanor.
20 3. *If the false imprisonment is committed:*

1 (a) *By a prisoner in a penal institution without a deadly weapon; or*
2 (b) *By any other person with the use of a deadly weapon,*
3 *the person convicted of such a false imprisonment shall be punished by*
4 *imprisonment in the state prison for not less than 1 year nor more than 6*
5 *years.*

6 4. *If the false imprisonment is committed by a prisoner who is in*
7 *lawful custody or confinement with the use of a deadly weapon, the per-*
8 *son convicted of such a false imprisonment shall be punished by impris-*
9 *onment in the state prison for not less than 2 years nor more than 20*
10 *years.*

11 SEC. 3. NRS 200.481 is hereby amended to read as follows:

12 200.481 1. As used in this section:

13 (a) "Battery" means any willful and unlawful use of force or violence
14 upon the person of another.

15 (b) "Child" means a person less than 18 years of age.

16 (c) "Officer" means:

17 (1) A peace officer as defined in NRS 169.125;

18 (2) A person employed in a full-time salaried occupation of fire-
19 fighting for the benefit or safety of the public; or

20 (3) A member of a volunteer fire department.

21 2. Any person convicted of a battery, other than a battery committed
22 by an adult upon a child which constitutes child abuse, shall be punished:

23 (a) If the battery is not committed with a deadly weapon, and no sub-
24 stantial bodily harm to the victim results, except under circumstances
25 where a greater penalty is provided in NRS 197.090, for a misdemeanor.

26 (b) If the battery is not committed with a deadly weapon, and sub-
27 stantial bodily harm to the victim results, for a gross misdemeanor.

28 (c) If the battery is committed upon an officer and:

29 (1) The officer was performing his duty;

30 (2) The officer suffers substantial bodily harm; and

31 (3) The person charged knew or should have known that the victim
32 was an officer, by imprisonment in the state prison for not less than 1 year
33 nor more than 6 years, or by a fine of not more than \$5,000, or by both
34 fine and imprisonment.

35 (d) If the battery is committed with the use of a deadly weapon, by
36 imprisonment in the state prison for not less than 2 years nor more than
37 10 years and may be further punished by a fine of not more than \$10,000.

38 (e) *If the battery is committed by a prisoner who is in lawful custody*
39 *or confinement, without the use of a deadly weapon, whether or not*
40 *substantial bodily harm results,*
41 *by imprisonment in the state prison for not less than 1 year nor more*
42 *than 6 years.*

43 (f) *If the battery is committed by a prisoner who is in lawful custody or*
44 *confinement with the use of a deadly weapon, whether or not substantial*
45 *bodily harm results, by imprisonment in the state prison for not less than*
46 *2 years nor more than 20 years.*

A. J. R. 30

**ASSEMBLY JOINT RESOLUTION NO. 30—ASSEMBLYMEN
RUSK AND BARENGO**

APRIL 1, 1981

Referred to Committee on Judiciary

SUMMARY—Proposes constitutional amendment to remove prohibition against adding judges and changing districts during term of incumbent. (BDR C-1431)

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.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada constitution to remove the prohibition against increasing judges or changing the number of judicial districts during the term of an incumbent.

1 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
2 That section 5 of article 6 of the constitution of the State of Nevada
3 be amended to read as follows:
4 **SEC. 5.** The state is hereby divided into Nine Judicial Districts
5 of which the county of Storey shall constitute the First; The county of
6 Ormsby the Second; the county of Lyon the Third; The county of
7 Washoe the Fourth; The counties of Nye and Churchill the Fifth; The
8 county of Humboldt the Sixth; The county of Lander the Seventh; The
9 county of Douglas the Eighth; and the county of Esmeralda the Ninth.
10 The county of Roop shall be attached to the county of Washoe for
11 judicial purposes until otherwise provided by law. The Legislature may,
12 however, provide by law for an alteration in the boundaries or divisions
13 of the Districts herein prescribed, and also for increasing or diminishing
14 the number of the Judicial Districts and Judges therein. But no [such
15 change shall] *provision for diminishing the number of judges may take*
16 effect, except in case of a vacancy, or the expiration of the term of an
17 incumbent of the office. At the first general election under this Con-
18 stitution there shall be elected in each of the respective Districts (except
19 as in this Section hereafter otherwise provided) One District Judge, who
20 shall hold Office from and including the first Monday of December AD.
21 Eighteen hundred and Sixty four and until the first Monday of January
22 in the year Eighteen hundred and Sixty seven. After the said first elec-
23 tion, there shall be elected at the General election which immediately pre-
24 cedes the expiration of the term of his predecessor, One District Judge
25 in each of the respective Judicial Districts (except in the First District

1 as in this Section hereinafter provided.) The District Judges shall be
2 elected by the qualified electors of their respective districts, and shall
3 hold office for the term of 6 years (excepting those elected at said first
4 election) from and including the first Monday of January, next succeed-
5 ing their election and qualification; Provided, that the First Judicial Dis-
6 trict shall be entitled to, and shall have Three District Judges, who shall
7 possess co-extensive and concurrent jurisdiction, and who shall be
8 elected at the same times, in the same manner, and shall hold office for
9 the like terms as herein prescribed, in relation to the Judges in other
10 Judicial Districts, any one of said Judges may preside on the [empannel-
11 ing] *empaneling* of Grand Juries and the presentment and trial on
12 indictments, under such rules and regulations as may be prescribed by
13 law.