

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON JUDICIARY

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 25, 1981

The Senate Committee on Judiciary was called to order by Chairman Melvin D. Close at 8:00 a.m., Monday, May 25, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Melvin D. Close, Chairman  
Senator Keith Ashworth, Vice Chairman  
Senator Don W. Ashworth  
Senator Jean E. Ford  
Senator William J. Raggio  
Senator William H. Hernstadt  
Senator Sue Wagner

GUEST ASSEMBLYMEN:

Ms. Patty Cafferata  
Mr. John DuBois  
Mr. John Vergiels

STAFF MEMBER PRESENT:

Sally Boyes, Committee Secretary

ASSEMBLY BILL NO. 246:

Adds to provisions for assignment of wages of responsible parent for child support.

Assemblyman John DuBois stated that S.B. 252 and A.B. 246 were identical; there were no changes from one bill to the other.

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Mr. Bill Furlong, Child Support Enforcement and Welfare Division, stated he supported A.B. 246. He entered a comparison information sheet in regard to A.B. 246 and S.B. 252, see Exhibit C.

ASSEMBLY BILL NO. 490:

Provides for continuation of child support after death of responsible parent.

Ms. Patty Cafferata, Assembly District 25, stated this bill was asked for by a constituent. She stated a child of seven years of age was receiving child support and after the death of the father, the child was placed on welfare because the support was cut off. Senator Hernstadt asked if any other states had legislation similar to this. Ms. Cafferata stated she did not know. Senator Raggio stated the lawyer of the party involved should have provided for that situation in the divorce proceedings.

ASSEMBLY BILL NO. 246: (Exhibit F)

Adds to provisions for assignment of wages of responsible parent for child support.

Senator Ford moved do pass A.B. 246.

Senator Wagner seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 520:

Sets time limit for bringing certain actions for malpractice and reduces time limit for certain other actions.

Senator Hernstadt moved to concur with the Assembly amendments as proposed on S.B. 520.

Senator Wagner seconded the motion.

The motion passed unanimously. (Senator Close was absent for the vote.)

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ASSEMBLY BILL NO. 490:

Provides for continuation of child support after death of responsible parent.

Senator Hernstadt moved to indefinitely postpone A.B. 490.

Senator Raggio seconded the motion.

The motion carried with Senator Wagner opposing the motion and Senator Ford not voting.

ASSEMBLY BILL NO. 554:

Requires landlords to hold tenants' security deposits in separate interest-bearing accounts.

Mr. John Vergiels, Assemblyman, District 10, stated the Housing Coalition are the people that requested this amendment. He stated the last page of the bill was to enable a person to receive deposits from out of state landlords. Prior to this amendment, a person would have to go to the site of the main office in order to receive any deposit that was due to him. Senator Raggio stated the bill did not state how a representative was designated. Senator Hernstadt stated the bill should include service on the manager constitutes service on the landlord. This would be more affirmative. Senator Hernstadt asked why a person who did not return a security deposit would be guilty of a misdemeanor; page two, lines 23-25. He felt if the security deposit was not returned within the 21 day limit, then there would be a misdemeanor charge.

Mr. Frank Daykin, Legislative Counsel Bureau, stated the section referred to was unusual because a misdemeanor charge can be punishable by imprisonment. He felt the courts would handle the problem with contempt proceedings. Chairman Close asked if there was a right of appeal in small claims court. Mr. Daykin stated there was that right. Chairman Close stated the bill provided for a charge of a misdemeanor being brought should the deposit not be returned within 21 days after a judgment. Senator Raggio asked what the objection was to paying the interest on security deposits. Mr. Vergiels stated the housing coalition was against it because of the expense of returning the deposits. The interest that was accumulated was not enough to warrant the cost of the paper work. He also stated there was a problem with a new owner requiring another deposit. Senator Hernstadt stated this should be taken

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care of by the title company; those costs should be prorated. Senator Keith Ashworth asked if Mr. Vergiels would object to the committee requiring the deposit being returned with the accrued interest. Mr. Vergiels stated he would not be adverse to that suggestion. He felt there were two problems: one, the landlords keeping the interest on deposits and the other being that the landlord keeps the deposit. Mr. Daykin stated that could be accomplished by adding the words "service upon the owner or his agent", this would allow for a manager, too.

ASSEMBLY BILL NO. 425:

Substantially revises procedure regarding incompetency of criminal defendants. (Exhibit E)

Mr. Frank Daykin, Legislative Counsel Bureau, reviewed the proposed amendments to this bill. A copy is attached hereto as Exhibit D.

The committee felt the standard of release for a person no longer being a danger to himself or others was too broad. Senator Don Ashworth stated he had a problem with the "or" that was included in the release of a person. The committee agreed to leave that word in the release clause. Senator Raggio asked about bail should a person be treated as an outpatient. He felt there should be some reference to the possibility of bail should a person not be dangerous to himself or others. Mr. Daykin stated there should be a requirement inserted in the bill to allow for the possibility of that happening and he would make adjustment in the bill for that provision. Senator Raggio stated there should be a provision so that a person could be held in lieu of bail should that person be treated as an outpatient. Senator Raggio stated this should be in section 10, page five. The committee agreed to review the amendments as discussed after they were complete.

Senator Don Ashworth moved amend and do pass A.B. 425.

Senator Raggio seconded the motion.

The motion carried with Senators Hernstadt and Wagner absent for the vote.

ASSEMBLY BILL NO 157:

Requires report of abuse and neglect of older person and provides penalty therefor.

Mr. Frank Daykin stated elderly persons could not be used in the same sense as children. The committee agreed to hold this for further discussion.

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ASSEMBLY BILL NO. 362:

Increases penalties for issuing checks and other instruments without sufficient funds. (Exhibit G)

The committee reviewed the amendments to the bill as proposed. Senator Hernstadt asked if rent could be included in the wording of the bill. Mr. Daykin stated rent was something that was paid in advance, but it could be inserted in the bill as was labor: making it a thing of value. Senator Hernstadt stated if rent was not included in the bill, people would assume it was not included in the bill. Chairman Close stated it was not included in the bill. The committee agreed to include labor and rent on lines 10 and 11 of the bill. Lines 19 and 27 would also include the term rent. They also agreed to include the term labor on line 40.

Senator Raggio moved amend and do pass A.B. 362.

Senator Ford seconded the motion.

The motion carried unanimously with Senator Hernstadt abstaining.

ASSEMBLY BILL NO. 481:

Makes various administrative changes to law regulating juvenile correctional institutions. (Exhibit H)

Senator Wagner moved do pass A.B. 481.

Senator Ford seconded the motion.

The motion carried unanimously. (Senators Raggio, Don Ashworth and Senator Close were absent for the vote.)

ASSEMBLY BILL NO. 386:

Provides that prisoner sentenced to life with possibility of parole must serve minimum of 10 years in prison. (Exhibit I)

Senator Hernstadt moved amend and do pass contingent upon passage of A.J.R. 30 of the 60th session and the effective date thereof, with section one only of the bill.

Senator Ford seconded the motion.

The motion carried unanimously. (Senators Raggio, Don Ashworth and Senator Close were absent for the vote.)

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ASSEMBLY BILL NO. 269:

Permits district attorney to refer person suspected of child abuse or neglect to social agency for treatment or counseling. (Exhibit J)

The committee agreed to delete the word "if" on line 11, and delete lines 12, 13 and 14 and 15.

Senator Ford moved amend and do pass A.B. 269.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Close, Don Ashworth and Raggio were absent for the vote.)

ASSEMBLY BILL NO 405:

Authorizes magistrates to give oral authorization to peace officers to sign magistrate's name to search warrant.

Vice Chairman Keith Ashworth stated the assembly refused to concur with Senate amendment 1008. He read the amendment to the committee. The committee agreed to retain the amendment.

Senator Don Ashworth moved do not recede.

Senator Hernstadt seconded the motion.

The motion carried unanimously. (Senators Close and Raggio were absent for the vote.)

ASSEMBLY BILL NO. 453:

Permits court to inspect sealed records of juvenile offenders under certain circumstances.

Vice Chairman Keith Ashworth stated the assembly refused to concur with the Senate amendment 992.

Senator Don ashworth moved to not recede.

Senator Wagner seconded the motion.

The motion carried unanimously. (Senators Raggio and Close were absent for the vote.)

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ASSEMBLY BILL NO. 659:

Permits state to appeal pretrial order suppressing evidence.

Chairman Close allowed testimony on this bill prior to the agenda scheduling because of special request.

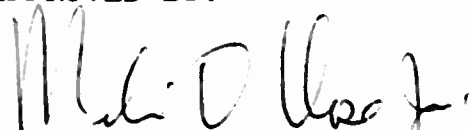
Mr. William McDonald, Humbolt County District Attorney, stated the problem was the right to appeal the denial of a change of venue motion by the defendant, during the trial. He felt an amendment to this bill would be the vehicle in which this could be accomplished. He stated the problem involved holding a sworn jury for months while the motion is being considered, and there was the possibility of one of the jurors being too ill to sit on the jury. There are numerous problems that can arise when the time between the trial and the selection of the jury is so lengthy. He felt the solution would be to not allow an appeal on the change of venue that was denied until after the trial. After discussion the committee agreed to draft the bill with the amendment and further discussion would be held on May 27, the day the bill is scheduled on the agenda.

There being no further business, the meeting was adjourned at 10:50 a.m.

Respectfully submitted by,

  
\_\_\_\_\_  
Sally Boyes, Secretary

APPROVED BY:

  
\_\_\_\_\_  
Senator Melvin D. Close, Chairman

DATE: May 30, 1981

SENATE AGENDA

COMMITTEE MEETINGS

Committee on JUDICIARY, Room 213  
Day Monday, Date May 25, Time 8:00 a.m.

A. B. No. 246--Adds to provisions for assignment of wages of responsible parent for child support.

A. B. No. 490--Provides for continuation of child support after death of responsible parent.

A. B. No. 554--Requires landlords to hold tenants' security deposits in separate interest-bearing accounts.



ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON JUDICIARY

DATE: May 25, 1981

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Bill Furlong	CHILD SUPPORT ENFORCEMENT/NEWSPR	EE5-4744
John DuBuis	"	AB 246
Patty Gilmore	"	AB490
Bill Macdonald		

## COMPARATIVE REVIEW

AB 246 / SB 252

Section #	Subsection #	Purpose	Comparison to SB 252
Section # 1.		To specifically authorize collection of ongoing support and past arrears simultaneously if ordered by the court.	Verbatim to AB 246.
Section # 2.	Subsection # 1.	Jurisdiction vested in district court.	Verbatim to existing statute.
	Subsection # 2.	To specifically authorize the district courts to appoint masters to hear evidence presented in actions brought under chapter 130 of NRS.	Verbatim to AB 246.
Section # 3.	Subsection # 1.	Provides for the docketing of cases.	Verbatim to existing statute.
	Subsection # 2.	Requires the prosecuting attorney to prosecute all proper cases diligently and within a reasonable period of time.	Verbatim to AB 246.
	Subsection # 3.	Authorizes prosecuting attorney to use all legal remedies available under Nevada Laws of Civil Procedure.	Verbatim to existing statute.
	Subsection # 4.	Authorizes the attorney general to order the prosecuting attorney to comply with the order of the court to prosecute a case under chapter 130, or to undertake such prosecution themselves.	Verbatim to existing statute.
Section # 4.	Subsection # 1.	Applies the rules of evidence in NRS 233 B.123 and allows the introduction of the affidavit of the obligee into evidence subject to challenges using the procedure prescribed in NRS 130.205.	Verbatim to AB 246.
	Subsection # 2.	Legal effect of an order under this chapter.	Grammatical change to existing statute

Section #	Subsection #	Purpose	Comparison to SB 252
	Subsection # 3.	Determination or enforcement of a duty to support unaffected by rights of custody or visitation.	Verbatim to existing statute.
Section # 5.	Subsection # 1.	Provides that a support order made by a court of this state does not nullify and is not nullified by an order of a court of another state.	Verbatim to AB 246
	Subsection # 2.	Requires that amounts paid pursuant to any support order of another state be credited against the amounts accruing for the same period under any support order made by a court of this state.  It also requires that arrears that have accrued prior to an order of a court of this state must be computed in a like manner.	Verbatim to AB 246. Grammatical changes only.
Section # 6.	Subsection # 1.	Provides that this chapter applies only with respect to proceedings for the enforcement of duties of support.	Verbatim to AB 246.
	Subsection # 2.	Limits jurisdiction under this chapter to those causes of action brought under chapter 130.	Verbatim to existing statute.
Section # 7.		Prohibits an employer from using an order for a wage assignment as grounds for disciplinary action against said employee, and provides for reinstatement and back pay if such employee is aggrieved.	Verbatim to AB 246.
Section # 8.	Subsection # 1.	Requires the court to issue a wage assignment whenever a responsible parent fails to make an equivalent of two monthly support payments in any 12 month period.	Verbatim to AB 246

Section #	Subsection #	Purpose	Comparison to SB 252
	Subsection # 2.	Requires the applicant to send notice to the responsible parent, advising such parent that the assignment will go into effect 10 days after the day on which the notice was sent, unless the responsible parent requests a hearing before the court.	New requirement
	Subsection # 3.	Provides for when an assignment will become effective, and allows for costs to be assessed against the responsible parent.	New requirement
	Subsection # 4.	Provides for service of a wage assignment upon any existing or future employer, and allows the employer to deduct \$3 as a service charge from the amount paid the employee.	Verbatim to section 8, subsection 2, of SB 252.
	Subsection # 5.	Provides for the court to direct payments of support to the Welfare Division if the child (ren) are on public assistance.	Verbatim to existing statute.
	Subsection # 6.	Provides that an employer who refuses to honor an assignment may be required to pay the amount of such assignment.	Verbatim to section 8, subsection 4, of SB 252.
	Subsection # 7.	Compliance by an employer operates as a discharge of the employer's liability to the employee.	Verbatim to section 8, subsection 5, of SB 252.
Section # 9.	Subsection # 1.	Applies wage assignment provisions to all pensions, annuities, retirements, disabilities, death or other benefits from government units.	Verbatim to existing statute, except that it applies preclusions of section 7 to such bodies, against disciplining employee because of a wage assignment.
	Subsection # 2.	Provides for service by certified mail of any public entity.	Verbatim to AB 246.

Section #	Subsection #	Purpose	Comparison to SB 252
	Subsection # 3.	Provides procedures for the clerk of the court to acknowledge receipt of payments from the employer to all concerned parties, and requires the clerk, upon request, to return the money to the responsible parent if the enforcement procedure is not completed.	Verbatim to AB 246.

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Senate	AMENDMENT BLANK
Adopted (H)	Adopted (S)	AMENDMENTS to	Assembly
Lost (H)	Lost (S)	Bill No. 425	<del>Joint</del>
Date: (H)	Date: (S)		<del>Resolutions No.</del>
Initial: (H)	Initial: (S)	BDR 14-1168	
Concurred in (H)	Concurred in (S)	Proposed by	Committee on Judiciary
Not concurred in (H)	Not concurred in (S)		
Date: (H)	Date: (S)		
Initial: (H)	Initial: (S)		

Amendment No 1213



Amend section 1, page 1, line 13, by deleting the period and inserting:

" , except that the determination to be made by the administrator, the sanity commission and the district judge on the question of release is whether the person has recovered from his mental illness or has improved to such an extent that he is no longer considered a danger to himself or others and is not gravely disabled."

Amend sec. 2, page 1, line 15, by deleting "2. An" and inserting "[An".

Amend sec. 2, page 1, line 16, by deleting the period and the open bracket.

Amend sec. 2, page 1, line 18, by deleting "2." and inserting "1".

Amend sec. 2, page 1, line 20, by deleting "For the purposes of this subsection," and inserting:

"2. For the purposes of this section,".

Amend sec. 2, page 1, by deleting line 21 and inserting: "is not of sufficient mentality".

Amend sec. 2, page 1, line 22, by deleting "wrong and".

Amend sec. 3, page 3, line 13, after "those" by inserting: "sections".

To: E & E  
LCB File  
Journal  
Engrossment  
Bill ✓

Drafted by JW:smc Date 5-21-81

Amend sec. 8, page 1, line 16, after the comma by inserting:  
"and at 6-month intervals thereafter until release or return for trial or judgment."

Amend sec. 8, page 3, by deleting lines 20 through 22, and inserting:  
"tion, the defendant is of sufficient mentality to be able to understand the nature of the"

Amend sec. 8, page 3, line 25, by deleting "thereafter ; [, the" and inserting:

"thereafter, [the"

Amend sec. 8, page 3, by deleting line 30 and inserting:

"2.) and if he is not, whether or not:

(a) There is a substantial probability that the defendant will"

Amend sec. 9, page 3, line 31, after "trial" by inserting:  
"or receive pronouncement of judgment"

Amend sec. 8, page 3, line 32, by deleting "(c)" and inserting "(b)".

Amend sec. 9, page 3, by deleting lines 43 and 44 and inserting:  
"that the [person charged with a public offense, as provided in NRS 179.425,] defendant is of sufficient mentality to be placed upon trial [for the commission"

Amend sec. 9, page 3, line 45, by deleting "thereof," and inserting:  
"thereof,] or receive pronouncement of judgment, or that he is not of sufficient mentality and there is no substantial probability that he will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future."

Amend sec. 9, page 4, line 12, before "Whether" by inserting an open bracket.

Amend sec. 9, page 4, line 14, after "(b)" by inserting a closed bracket.

Amend sec. 9, page 4, line 15, by deleting the closed bracket.

Amend sec. 9, page 4, line 16, by deleting "(c)" and inserting "(c) (b)".

Amend sec. 9, page 4, line 19, by deleting "(d)" and inserting "(c)".

Amend sec. 9, page 4, by deleting line 20 and inserting:  
"(a) and (b) to be placed upon trial or receive pronouncement of judgment, whether there is a substantial".

Amend sec. 10, page 5, by deleting lines 2 and 3 and inserting:  
"finding of competence or incompetence, and if he finds the defendant to be incompetent:".

Amend sec. 10, page 5, line 4, by deleting "(b)" and inserting "(a)".

Amend sec. 10, page 5, by deleting lines 5 and 6, and inserting:  
"attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or to society."

Amend sec. 10, page 5, line 8, by deleting "the dis-".

Amend sec. 10, page 5, by deleting lines 9 and 10.

Amend sec. 10, page 5, line 11, by deleting "and mental retardation division,"

Amend sec. 10, page 5, line 17, by deleting "in the foreseeable future," and inserting:

"or receive pronouncement of judgment in the foreseeable future and finds that he is dangerous to himself or to society,".

Amend sec. 10, page 5, by deleting line 28 and inserting:  
"defendant.

(c) Incompetent, but there is substantial probability that he will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is not dangerous to himself or to society, he shall order that the defendant remain an outpatient or be transferred to outpatient status under the provisions of".

Amend sec. 10, page 5, line 30, by deleting "(c)" and inserting "(d)".

Amend sec. 11, page 5, line 46, by deleting "433A.310" and inserting "194.010".



Amend sec. 11, pages 5 and 6, by deleting lines 47 through 50 on page 5 and lines 1 through 27 on page 6 and inserting:

"194.013 All persons are

liable to punishment except those belonging to the following classes:

1. Children under the age of 8 years.
2. Children between the ages of 8 years and 14 years, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness.
3. Idiots.

4. Lunatics and [insane] persons [.] who committed the act or made the omission charged in a state of insanity.

5. Persons who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent, where a specific intent is required to constitute the offense.

6. Persons who committed the act charged without being conscious thereof.

7. Persons who committed the act or made the omission charged, through misfortune or by accident, when it appears that there was no evil design, intention or culpable negligence.

8. Persons, unless the crime is punishable with death, who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to believe, and did believe, their lives would be endangered if they refused, or that they would suffer great bodily harm."

Amend sec. 12, page 6, line 47, by deleting "not".

Amend sec. 12, page 6, by deleting line 48 and inserting:

"conditionally released only if written notice is given to the court which admitted him at least 10 days before the proposed release. If the court does not order otherwise, the person may be conditionally released without court order."

Amend the bill as a whole by deleting section 13 and renumbering section 14 as section 13.

Amend the title of the bill, by deleting line 1 and inserting:

"AN ACT relating to insane and incompetent persons; substantially revising procedure regarding".

Amend the title of the bill, by deleting line 3, and inserting:

"evaluation and treatment of a defendant as an outpatient, restricting the release".

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 425

ASSEMBLY BILL NO. 425—COMMITTEE ON JUDICIARY

APRIL 2, 1981

Referred to Committee on Judiciary

SUMMARY—Substantially revises procedure regarding incompetency of criminal defendants. (BDR 14-1168)

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 insane and incompetent persons; substantially revising procedure regarding the incompetency of criminal defendants; authorizing the court to order the evaluation and treatment of a defendant as an outpatient; placing conditions on the release of certain clients of mental health facilities; 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 175.521 is hereby amended to read as follows:
- 2 175.521 1. Where on a trial a defense of insanity is interposed by
- 3 the defendant and he is acquitted by reason of that defense, the finding of
- 4 the jury [shall have] *has* the same [force and] effect as if he were regu-
- 5 larly adjudged insane, [as now provided by law,] and the judge [there-
- 6 upon] shall forthwith order that the defendant be committed to the
- 7 custody of the administrator of the mental hygiene and mental retarda-
- 8 tion division of the department of human resources until he is regularly
- 9 discharged therefrom in accordance with law.
- 10 2. *The administrator shall make the same reports and the court shall*
- 11 *proceed in the same manner in the case of a person committed pursuant*
- 12 *to this section as of a person committed because he is incompetent to*
- 13 *stand trial pursuant to NRS 178.400 to 178.465, inclusive, except that*
- 14 *the determination to be made by the administrator, the sanity commis-*
- 15 *sion and the district judge on the question of release is whether the person*
- 16 *has recovered from his mental illness or has improved to such an extent*
- 17 *that he no longer qualifies as a mentally ill person for purposes of involun-*
- 18 *tary court-ordered admission to a mental health facility, as defined in sub-*
- 19 *section 2 of NRS 433.194.*
- 20 SEC. 2. NRS 178.400 is hereby amended to read as follows:
- 21 178.400 [An act done by a person in a state of insanity cannot be

1 punished as a public offense, nor can a person be tried, adjudged to pun-  
2 ishment, or punished for a public offense while he is insane.】

3 1. *A person may not be tried, adjudged to punishment or punished*  
4 *for a public offense while he is incompetent.*

5 2. *For the purposes of this section, "incompetent" means that the*  
6 *person is not of sufficient mentality to be able to understand the nature*  
7 *of the criminal charges against him, and because of that insufficiency, is*  
8 *not able to aid and assist his counsel in the defense interposed upon the*  
9 *trial or against the pronouncement of the judgment thereafter.*

10 SEC. 3. NRS 178.405 is hereby amended to read as follows:

11 178.405 When an indictment or information is called for trial, or  
12 upon conviction the defendant is brought up for judgment, if doubt [shall  
13 arise] *arises* as to the [sanity] *competence* of the defendant, the court  
14 shall suspend the trial of the indictment or information or the pronounc-  
15 ing of the judgment, as the case may be, until the question of [insanity]  
16 *competence* is determined.

17 SEC. 4. NRS 178.415 is hereby amended to read as follows:

18 178.415 1. The court shall appoint two physicians, at least one of  
19 whom is a psychiatrist or otherwise especially qualified, to examine the  
20 defendant.

21 2. At a hearing in open court, the judge shall receive the report of the  
22 examining physicians and shall permit counsel for both sides to examine  
23 them. The state and the defendant may introduce other evidence and  
24 cross-examine one another's witnesses.

25 3. The court shall then make and enter its finding of [sanity or insan-  
26 ity.] *competence or incompetence.*

27 SEC. 5. NRS 178.420 is hereby amended to read as follows:

28 178.420 If the court finds that the defendant is [sane,] *competent*,  
29 the trial of the indictment or information [shall] *must* proceed, or judg-  
30 ment may be pronounced, as the case may be.

31 SEC. 6. NRS 178.425 is hereby amended to read as follows:

32 178.425 1. If the court finds the defendant [insane,] *incompetent*,  
33 *and that he is dangerous to himself or to society or that commitment is*  
34 *required for a determination of his ability to attain competence*, the judge  
35 shall order the sheriff to convey him forthwith, together with a copy of  
36 the complaint, the commitment and the physicians' certificate, if any, into  
37 the custody of the administrator of the mental hygiene and mental retar-  
38 dation division of the department of human resources for detention and  
39 [psychiatric] *treatment at [the Nevada state prison or at a] a secure*  
40 *facility operated by the mental hygiene and mental retardation division.*

41 2. The defendant [shall] *must* be held in such custody until a court  
42 *orders his release or until he is* returned for trial or judgment as provided  
43 in NRS 178.450 to 178.465, inclusive.

44 3. *If the court finds the defendant incompetent but not dangerous to*  
45 *himself or to society, and finds that commitment is not required for a*  
46 *determination of the defendant's ability to attain competence, the judge*  
47 *shall order the defendant to report to the administrator as an outpatient*  
48 *for treatment, if it might be beneficial, and for a determination of his abil-*  
49 *ity to attain competence. The court may require the defendant to give bail*  
50 *for his periodic appearances before the administrator.*

1 4. [Proceedings] Except as provided in subsection 5, proceedings  
2 against the defendant must be suspended until the sanity commission finds  
3 him capable of standing trial or opposing pronouncement of judgment as  
4 provided in NRS [178.460.] 178.400.

5 5. Whenever the defendant has been found incompetent, with no sub-  
6 stantial probability of attaining competency in the foreseeable future, and  
7 released from custody or from obligations as an outpatient pursuant to  
8 paragraph (d) of subsection 3 of NRS 178.460, the proceedings against  
9 the defendant which were suspended must be dismissed. No new charge  
10 arising out of the same circumstances may be brought after a period of  
11 time, equal to the maximum time allowed by law for commencing a crim-  
12 inal action for the crime with which the defendant was charged, has  
13 lapsed since the date of the alleged offense.

14 SEC. 7. NRS 178.435 is hereby amended to read as follows:

15 178.435 The expenses of the examination and of the sending of  
16 [such persons] the defendant to and from the custody of the admin-  
17 istrator of the mental hygiene and mental retardation division [shall be]  
18 are in the first instance chargeable to the county from which [they have]  
19 he has been sent. But the county may recover [them] the money from  
20 the [estates of any such persons, or] estate of the defendant, from a  
21 relative legally bound to care for [them.] him or from the county of  
22 which [such persons may be] he is a resident.

23 SEC. 8. NRS 178.450 is hereby amended to read as follows:

24 178.450 1. The administrator of the mental hygiene and mental  
25 retardation division shall keep each [person] defendant committed to  
26 his custody under NRS 178.425 or 178.460 under observation and [if  
27 in his opinion, upon medical consultation, such person recovers his or  
28 her mental faculties to the extent of knowing the difference between right  
29 and wrong and] shall have each defendant who has been ordered to  
30 report to him as an outpatient under those sections evaluated periodically.

31 2. Within 6 months after the order for commitment or treatment and  
32 evaluation as an outpatient or for recommitment pursuant to paragraph  
33 (b) of subsection 3 of NRS 178.460, and at 6-month intervals thereafter  
34 until release or return for trial or judgment, the administrator shall notify  
35 in writing a judge of the district court which committed the person and the  
36 district attorney of the county to which the person may be returned for  
37 further court action whether or not in his opinion, upon medical consulta-  
38 tion, the defendant is of sufficient mentality to be able to understand the  
39 nature of the criminal charge against him [or her] and, by reason thereof,  
40 is able to aid and assist his [or her] counsel in the defense interposed  
41 upon the trial or against the pronouncement of the judgment thereafter.  
42 [The administrator shall notify in writing a district judge of the judicial  
43 district in which the person is held in custody of his findings and opinion  
44 with respect to the sanity of the person charged with the public offense  
45 and committed to his custody.

46 2. and if he is not, whether or not:

47 (a) There is a substantial probability that the defendant will attain com-  
48 petency to stand trial or receive pronouncement of judgment in the fore-  
49 seeable future; and

50 (b) The defendant is at that time a danger to himself or to society.

3. The notice may be informal and [shall] *must* contain:

(a) The name of [such person] *the defendant* and the county to which he may be returned for further court action.

(b) The circumstances under which he was committed to the custody of the administrator and the duration of his hospitalization [.] , *or the circumstances under which he was ordered to report to the administrator as an outpatient.*

SEC. 9. NRS 178.455 is hereby amended to read as follows:

178.455 1. The district judge, upon receiving the written notice of the administrator of the mental hygiene and mental retardation division that the [person charged with a public offense, as provided in NRS 178.-425.] *defendant is of sufficient mentality to be placed upon trial [for the commission thereof,] or receive pronouncement of judgment, or that he is not of sufficient mentality and there is no substantial probability that he will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future,* shall, within a period of not to exceed 20 days, impanel a sanity commission composed of three physicians, at least one of whom shall be a psychiatrist, who are licensed to practice medicine in this state, but not including members of the medical staff of the mental hygiene and mental retardation division, who in the opinion of the district judge are qualified to examine the person with respect to his [or her then] mental condition.

2. The sanity commission shall, within 20 days, examine the person designated by the district judge in the order impaneling the commission, at such convenient place as the commission may direct. Upon the completion of the examination the commission shall return to the district judge its [report, findings and opinion] *reports* in writing, which [shall be in triplicate and] *must be signed* by the respective members of the commission and contain, among other things, specific findings and opinion upon:

(a) [Whether the person is of sufficient mentality to know the difference between right and wrong;

(b)] Whether the person is of sufficient mentality to understand the nature of the offense charged; [and

(c)] (b) Whether the person is of sufficient mentality to aid and assist counsel in the defense of the offense charged, or to show cause why judgment should not be pronounced [.] ; and

(c) *If the person is not of sufficient mentality pursuant to paragraphs (a) and (b) to be placed upon trial or receive pronouncement of judgment, whether there is a substantial probability that the person will attain competency in the foreseeable future.*

3. Members of the sanity commission [may report jointly or individually. A concurrence of the findings of two members shall constitute the decision of the commission.] *shall report individually.* Copies of the [report or reports shall] *reports must be sent to the administrator of the mental hygiene and mental retardation division to be incorporated in the medical record of the person [.] , to the office of the district attorney, and to the counsel for the outpatient or person committed.*

SEC. 10. NRS 178.460 is hereby amended to read as follows:

178.460 1. [Upon receiving the report, findings and opinion of the

1 sanity commission, and if the decision is that the person examined then  
2 and there:

3 (a) Knew the difference between right and wrong;

4 (b) Understood the nature of the offense charged; and

5 (c) Was of sufficient mentality to aid and assist counsel in defense of  
6 the offense charged, or to show cause why judgment should not be pro-  
7 nounced,

8 the district judge shall within 10 days forward to the district judge of the  
9 district court committing the person charged with the public offense to the  
10 custody of the administrator of the mental hygiene and mental retardation  
11 division, and to the district attorney of the proper county, respectively,  
12 one copy of the report, findings and opinion of the sanity commission.]  
13 *If requested by the district attorney or counsel for the defendant within*  
14 *10 days after the reports of the sanity commission are sent to them, the*  
15 *district judge shall hold a hearing within 10 days after the request at*  
16 *which the district attorney and the defense counsel may examine the*  
17 *members of the sanity commission on their reports.*

18 2. *Within 10 days after the hearing or 20 days after the reports are*  
19 *sent, if no hearing is requested, the district judge shall make and enter his*  
20 *finding of competence or incompetence, and if he finds the defendant to*  
21 *be incompetent:*

22 (a) *Whether there is substantial probability that the defendant will*  
23 *attain competency to stand trial or receive pronouncement of judgment*  
24 *in the foreseeable future; and*

25 (b) *Whether the defendant is at that time a danger to himself or to*  
26 *society.*

27 3. *If the district judge finds the defendant:*

28 (a) *Competent, he shall within 10 days forward his finding to the dis-*  
29 *trict attorney and counsel for the defendant. Upon receipt thereof, the*  
30 *district attorney shall notify the sheriff of the county [of the findings of*  
31 *the sanity commission] that the defendant has been found competent and*  
32 *arrange for the return of the [person] defendant to that county for trial*  
33 *upon the offense there charged or the pronouncement of judgment, as the*  
34 *case may be. The [person shall] defendant must not be returned more*  
35 *than 30 days before the date set for the trial or pronouncement of judg-*  
36 *ment [Such date shall] which must be within 60 days of the receipt of*  
37 *the findings of the sanity commission.*

38 [2. *If the report, findings and opinion of the sanity commission is*  
39 *adverse to the person charged with a public offense, such person shall*  
40 *remain in the custody of the administrator of the mental hygiene and*  
41 *mental retardation division subject to further examinations in the future*  
42 *or until discharged therefrom according to law.]*

43 (b) *Incompetent, but there is substantial probability that he will attain*  
44 *competency to stand trial or receive pronouncement of judgment in the*  
45 *foreseeable future and finds that he is dangerous to himself or to society,*  
46 *he shall recommit the defendant.*

47 (c) *Incompetent, but there is substantial probability that he will attain*  
48 *competency to stand trial or receive pronouncement of judgment in the*  
49 *foreseeable future and finds that he is not dangerous to himself or to*

1 society, he shall order that the defendant remain an outpatient or be  
2 transferred to outpatient status under the provisions of NRS 178.425.

3 (d) Incompetent, with no substantial probability of attaining compe-  
4 tency in the foreseeable future, he shall order the defendant released  
5 from custody or if the defendant is an outpatient, released from his obli-  
6 gations as an outpatient if, within 10 days, a petition is not filed to commit  
7 the person pursuant to NRS 433A.200. After the initial 10 days, the  
8 defendant may remain an outpatient or in custody under the provisions  
9 of this chapter only as long as the petition is pending unless the defend-  
10 ant is involuntarily committed pursuant to chapter 433A of NRS.

11 4. No person who is committed under the provisions of this chapter  
12 may be held in the custody of the administrator of the mental hygiene and  
13 mental retardation division longer than the longest period of incarceration  
14 provided for the crime or crimes with which he is charged or 10 years,  
15 whichever period is shorter. Upon expiration of the applicable period, the  
16 defendant must be returned to the committing court for a determination  
17 as to whether or not involuntary commitment pursuant to chapter 433A  
18 of NRS is required.

19 SEC. 11. NRS 194.010 is hereby amended to read as follows:

20 194.010 All persons are liable to punishment except those belonging  
21 to the following classes:

22 1. Children under the age of 8 years.

23 2. Children between the ages of 8 years and 14 years, in the absence  
24 of clear proof that at the time of committing the act charged against them  
25 they knew its wrongfulness.

26 3. Idiots.

27 4. Lunatics and [insane] persons [.] who committed the act or  
28 made the omission charged in a state of insanity.

29 5. Persons who committed the act or made the omission charged  
30 under an ignorance or mistake of fact, which disproves any criminal  
31 intent, where a specific intent is required to constitute the offense.

32 6. Persons who committed the act charged without being conscious  
33 thereof.

34 7. Persons who committed the act or made the omission charged,  
35 through misfortune or by accident, when it appears that there was no evil  
36 design, intention or culpable negligence.

37 8. Persons, unless the crime is punishable with death, who commit-  
38 ted the act or made the omission charged under threats or menaces suffi-  
39 cient to show that they had reasonable cause to believe, and did believe,  
40 their lives would be endangered if they refused, or that they would suffer  
41 great bodily harm.

42 SEC. 12. NRS 433A.380 is hereby amended to read as follows:

43 433A.380 1. [Any involuntarily court-admitted person] Except as  
44 otherwise provided in subsection 4, any person involuntarily admitted by  
45 a court may be conditionally released from a public or private mental  
46 health facility on convalescent leave when, in the judgment of the medi-  
47 cal director of [such facility, such] the facility, the convalescent status is  
48 in the best interest of the person and will not be detrimental to the pub-  
49 lic welfare.

1     2. When [an involuntarily court-admitted] a person is conditionally  
2 released pursuant to subsection 1, the state or any of its agents or  
3 employees are not liable for any debts or contractual obligations, medical  
4 or otherwise, incurred or damages caused by the actions of the person.

5     3. When a [court-adjudicated incompetent] person *who has been*  
6 *adjudicated by a court to be incompetent* is conditionally released from a  
7 mental health facility, the administrative officer of [such] the mental  
8 health facility shall petition the court for restoration of full civil and  
9 legal rights as deemed necessary to facilitate [such] the incompetent  
10 person's rehabilitation.

11    4. *A person who was involuntarily admitted by a court because he*  
12 *was likely to harm others if allowed to remain at liberty may be condi-*  
13 *tionally released only if, at the time of the release, written notice is given*  
14 *to the court which admitted him and to the district attorney of the county*  
15 *in which the proceedings for admission were held.*

16    SEC. 13. NRS 209.413 is hereby repealed.

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## A. B. 246

ASSEMBLY BILL NO. 246—ASSEMBLYMEN DuBOIS, HAYES,  
REDELSPERGER, HAM, RUSK, WESTALL, MALONE,  
PRENGAMAN, KOVACS AND BANNER

FEBRUARY 27, 1981

Referred to Committee on Judiciary

SUMMARY—Adds to provisions for assignment of wages of responsible parent for child support. (BDR 38-813)

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 child support; providing an additional circumstance for the assignment of the wages of the responsible parent; 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 125 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *Each order made pursuant to NRS 125.140 or 125.230 which*  
4 *includes a provision for the support of minor children operates as a con-*  
5 *tingent assignment of any earnings or other income due or to be due in the*  
6 *future from the responsible parent's employer or successor employers to*  
7 *the clerk of the court where the action is filed, in amounts sufficient to*  
8 *defray any arrearages in payments due at the time that the assignment*  
9 *becomes effective and to provide future support for the minor children.*  
10 2. Any parent who is entitled to a payment of support which has been  
11 ordered by the court pursuant to NRS 125.140 or 125.230, and who,  
12 during any 12-month period:  
13 (a) Has not received any payment for 60 or more consecutive days; or  
14 (b) Has received payments the cumulative amount of whose delin-  
15 quency is 60 days or more,  
16 may apply to the court for an assignment of the responsible parent's  
17 income from employers. The application must be in writing. If it is ten-  
18 dered orally, it must be reduced to writing in the presence of the appli-  
19 cant, by the judge, magistrate or clerk of the court. The application must  
20 be verified by oath or affirmation of the applicant.  
21 3. The court, upon receipt of the application, shall send a notice by  
22 certified mail to the last known address of the responsible parent. The

1 notice must be postmarked no later than 10 days from the date the  
2 application was filed and must inform the recipient that an assignment of  
3 his income from employers will go into effect 10 days after the date the  
4 notice was sent. The responsible parent may, within the 10-day period,  
5 request a hearing on the issue of whether the assignment of income should  
6 take effect, in which case the assignment must be held in abeyance pend-  
7 ing the outcome of the hearing. At the hearing the burden is on the  
8 responsible parent to prove that payments were made at the times and in  
9 the amounts required by the initial order of the court. The assignment  
10 of income is effective:

11 (a) On the date of the expiration of the 10-day period, if no hearing is  
12 requested by the responsible parent; or

13 (b) On the date of the court's decision in the hearing, if the court finds  
14 that the responsible parent has failed to comply with the court's order for  
15 the period of time set forth in paragraph (a) or (b) of subsection 2.

16 4. An assignment made pursuant to this section is binding upon the  
17 responsible parent's current employer 1 week after service upon the  
18 employer of a copy of the order, by personal service or registered or cer-  
19 tified mail, and until further order of the court. For each payment made,  
20 the employer may deduct \$1 from the money to be paid to the responsible  
21 parent. An employer who fails to pay the amount assigned after receipt  
22 of the copy of the assignment and order as provided in this section shall  
23 be fined not more than \$200 and may be required to pay the amount  
24 assigned to the clerk of the court. The employer may not use the assign-  
25 ment as grounds for the discharge of a responsible parent or for any  
26 disciplinary action against him. Compliance by an employer with the  
27 order operates as a discharge of the employer's liability to the responsible  
28 parent as to that portion of his wages affected.

29 5. If the assignment becomes effective, filing fees and court costs may  
30 be assessed against the responsible parent.

31 SEC. 2. NRS 31.463 is hereby amended to read as follows:

32 31.463 1. In any proceeding where the court has ordered a parent  
33 to pay any amount for the support of a minor child, unless an assignment  
34 has already been made pursuant to section 1 of this act, the court may  
35 order the parent to assign to the county clerk or county officer designated  
36 by the court to receive such payment, or to the state welfare administra-  
37 tor in support enforcement cases arising under the provisions of chapter  
38 425 of NRS, that portion of salary, wages or commissions of a parent due  
39 or to be due in the future which will be sufficient to pay the amount  
40 ordered by the court for the support, maintenance and education of the  
41 minor child. Such order operates as an assignment and is binding upon  
42 any existing or future employer of the responsible parent upon whom a  
43 copy of such order is served. Any such order may be modified or revoked  
44 at any time by the court. The employer shall cooperate with and pro-  
45 vide relevant employment information to the prosecuting attorney for the  
46 purpose of enforcing the child support obligation. A disclosure made in  
47 good faith pursuant to this subsection does not give rise to any action for  
48 damages for the disclosure.

49 2. In any proceeding where a court makes or has made an order

1 requiring payment of child support to a parent receiving welfare pay-  
2 ments for the maintenance of minor children, the court shall direct that  
3 payments of support be made to the welfare division of the department  
4 of human resources, and the district attorney may appear in any pro-  
5 ceeding to enforce such order.



(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 362

## ASSEMBLY BILL NO. 362—ASSEMBLYMAN DINI

MARCH 17, 1981

Referred to Committee on Judiciary

SUMMARY—Increases penalties for issuing checks and other instruments without sufficient funds. (BDR 16-1276)

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 against property; extending the description of a cheat; increases penalties in certain cases; 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 205.380 is hereby amended to read as follows:  
 2 205.380 1. Every person who knowingly and designedly by any  
 3 false pretense obtains from any other person any chose in action, money,  
 4 goods, wares, chattels, effects or other valuable thing, *including rent or*  
 5 *the labor of another person not his employee*, with intent to cheat or  
 6 defraud the other person, is a cheat, and, unless otherwise prescribed by  
 7 law, shall be punished:  
 8 (a) If the value of the thing *or labor* so fraudulently obtained was  
 9 \$100 or more, by imprisonment in the state prison for not less than 1  
 10 year nor more than 10 years, or by a fine of not more than \$10,000, or  
 11 by both fine and imprisonment, and be sentenced to restore the prop-  
 12 erty so fraudulently obtained, if it can be done [.] , *or tender payment*  
 13 *for rent or labor.*  
 14 (b) If the value of the thing *or labor* so fraudulently obtained was less  
 15 than \$100, for a misdemeanor, and shall be sentenced to restore the  
 16 property so fraudulently obtained, if it can be done [.] , *or tender pay-*  
 17 *ment for rent or labor.*  
 18 2. For the purposes of this section, it is prima facie evidence of an  
 19 intent to defraud if the drawer of a check or other instrument given in  
 20 payment for [property] :  
 21 (a) *Property* which can be returned in the same condition in which it  
 22 was originally received;  
 23 (b) *Rent*; or  
 24 (c) *Labor performed in a workmanlike manner whenever a written*

1 *estimate was furnished before the labor was performed and the actual*  
2 *cost of the labor does not exceed the estimate,*  
3 stops payment on that instrument and fails to return or offer to return the  
4 property in that condition, *or to specify in what way the labor was defi-*  
5 *cient within 5 days after receiving notice from the payee that the instru-*  
6 *ment has not been paid by the drawee.*

7 3. The notice must be sent to the drawer by certified mail, return  
8 receipt requested, at the address shown on the instrument. *The notice*  
9 *must include a statement of the penalties set forth in this section.* Return  
10 of the notice because of nondelivery to the drawer raises a rebuttable pre-  
11 sumption of intent to defraud.

12 4. A notice in boldface type clearly legible and in substantially the  
13 following form must be posted in a conspicuous place in every principal  
14 and branch office of every bank [and] , in every place of business in  
15 which retail selling is conducted [:] or labor is performed for the public  
16 and must be furnished in written form by a landlord to a tenant:

17 The stopping of payment on a check or other instrument given in  
18 payment for property which can be returned in the same condition  
19 in which it was originally received, *rent or labor which was com-*  
20 *pleted in a workmanlike manner,* and the failure to return or offer  
21 to return the property in that condition *or to specify in what way the*  
22 *labor was deficient* within 5 days after receiving notice of nonpay-  
23 ment is punishable:

24 1. If the value of the property, *rent or labor* so fraudulently  
25 obtained was \$100 or more, by imprisonment in the state prison for  
26 not less than 1 year nor more than 10 years, or by a fine of not  
27 more than \$10,000, or by both fine and imprisonment.

28 2. If the value of the property, *rent or labor* so fraudulently  
29 obtained was less than \$100, by imprisonment in the county jail for  
30 not more than 6 months, or by a fine of not more than \$500, or by  
31 both fine and imprisonment.

32 The notice must be prepared and copies thereof supplied on demand by  
33 the superintendent of the state printing and records division of the depart-  
34 ment of general services, who may charge a fee based on the cost for each  
35 copy of the notice supplied to any person.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 481

ASSEMBLY BILL NO. 481—COMMITTEE ON JUDICIARY

APRIL 10, 1981

Referred to Committee on Judiciary

SUMMARY—Makes various administrative changes to law regulating juvenile correctional institutions. (BDR 16-170)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Executive Budget.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to juvenile correctional institutions; authorizing the superintendent to contract with employees for further services; authorizing the superintendent to apply for and receive federal money; changing the responsibility for certain expenses to the youth parole bureau; 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 210.080 is hereby amended to read as follows:  
 2 210.080 1. The superintendent shall appoint such teaching, techni-  
 3 cal, clerical and operational staff as the execution of his duties, the care  
 4 of the inmates, and the maintenance and operation of the school may  
 5 require, the appointments to be made in accordance with the provisions  
 6 of chapter 284 of NRS.  
 7 2. *The superintendent may enter into contracts with qualified employ-*  
 8 *ees for their services as athletic coaches in addition to their regular duties*  
 9 *and responsibilities.*  
 10 SEC. 2. NRS 210.090 is hereby amended to read as follows:  
 11 210.090 1. The superintendent shall cause a department of instruc-  
 12 tion to be organized for the inmates of the school, with programs of study  
 13 corresponding so far as practicable with programs of study given in the  
 14 elementary and high schools of the state.  
 15 2. The superintendent may arrange for industrial training and the  
 16 teaching of various trades, and he may purchase [such] the supplies and  
 17 equipment [as may be] necessary for the teaching of such programs of  
 18 study.  
 19 3. If deemed practicable, and with the concurrence of the board of  
 20 trustees of the Elko County school district, inmates of the school may be

1 enrolled for instruction in the county school district system, and the super-  
2 intendent of the Nevada youth training center or the county school district  
3 shall provide transportation for [such] *the* inmates to the public schools.

4 4. The superintendent may also arrange for the employment of  
5 inmates upon ranches, farms and in other private occupations during the  
6 summer vacation months and for other periods which he deems proper  
7 for the full utilization of the inmates' time and productive capacities; but  
8 the inmates [shall] *may* not be compelled to accept [such] private  
9 employment against their desires. For the purposes of this section, the  
10 amounts [to be] paid to the inmates and the working conditions under  
11 which they [shall be] *are* employed [shall] *must* be determined by the  
12 superintendent and the employer, and any amounts paid [shall,] *must*,  
13 at the discretion of the superintendent, be paid in whole or in part to the  
14 inmate or to the superintendent for safekeeping as provided for in NRS  
15 210.160.

16 5. The ultimate purpose of all such instruction, training, employment  
17 and industries [shall be] *is* to qualify inmates for profitable and honor-  
18 able employment, and to enable them to lead useful lives after their release  
19 from the institution.

20 6. *The superintendent may apply for and receive money from the*  
21 *Federal Government to treat and train inmates.*

22 SEC. 3. NRS 210.180 is hereby amended to read as follows:

23 210.180 1. It [shall be] *is* lawful for the courts to commit to the  
24 school those minor persons between the ages of 8 and 18 years whom  
25 they have found to be delinquents as provided by law. Before any such  
26 person is conveyed to the school it [shall] *must* be ascertained from the  
27 superintendent whether adequate facilities are available to provide the  
28 necessary care to [such] *the* person. The superintendent shall fix the time  
29 at which [such] *the* person [shall] *may* be delivered to the school. The  
30 superintendent shall accept [such] *the* person unless there are not ade-  
31 quate facilities available to provide the necessary care, or there [are not  
32 adequate funds] *is not adequate money* available for the support of the  
33 school, or, in the opinion of the superintendent, [such] *the* person is not  
34 suitable for admission to the school.

35 2. The court may order, when committing a minor to the care, cus-  
36 tody and control of the school, the expense of his support and mainte-  
37 nance be paid in whole or in part by his parents, guardian or other person  
38 liable for his support and maintenance. [The moneys so ordered paid  
39 shall be paid] *The person ordered to pay for the support and maintenance*  
40 *of the minor shall pay the money* to the superintendent, who shall imme-  
41 diately deposit the [sum in the state treasury to be credited to the] *money*  
42 *with the state treasurer for credit to the state general fund.*

43 3. The court shall order, before commitment, that [such] *each* minor  
44 person be given a physical examination, which [examination shall] *must*  
45 include a blood test, [X-ray examination] *test* for tuberculosis, urinal-  
46 ysis and an examination for venereal disease, by some licensed physi-  
47 cian. The physician shall, within 5 days after such examination, make a  
48 written report of the results thereof to the clerk of the juvenile court, if  
49 there is one, and otherwise to the county clerk of the county wherein  
50 [such] *the* commitment was ordered. Upon receipt of the written report,

1 the county auditor shall allow a claim for payment to the physician for  
2 the examination. The clerk of the juvenile court or the county clerk [,  
3 as the case may be,] shall immediately forward a copy of the written  
4 report to the superintendent.

5 SEC. 4. NRS 210.250 is hereby amended to read as follows:

6 210.250 1. The chief of the youth parole bureau may petition the  
7 committing court requesting that the parole of a person paroled from the  
8 school be suspended, modified or revoked.

9 2. Pending a hearing, the committing court may order:

10 (a) The return of the parolee to the school; or

11 (b) If approved by the local juvenile facility, that the parolee be held  
12 in the local juvenile facility.

13 3. The [school] youth parole bureau shall pay all actual and rea-  
14 sonably necessary costs for the confinement of a parolee in the local  
15 juvenile facility.

16 4. If requested, the committing court shall allow the parolee rea-  
17 sonable time to prepare for the hearing.

18 5. The required hearing may be conducted by a judge or master of  
19 the committing court, who shall render a decision within 10 days after  
20 the conclusion of the hearing.

21 SEC. 5. NRS 210.580 is hereby amended to read as follows:

22 210.580 1. It [shail be] is lawful for the courts to commit to the  
23 school female minor persons between the ages of 8 and 18 years whom  
24 they have found to be delinquents as provided by law. Before any such  
25 person is conveyed to the school it [shall] must be ascertained from the  
26 superintendent whether adequate facilities are available to provide the  
27 necessary care to [such] the person. The superintendent shall fix the time  
28 at which [such person shall] the person may be delivered [,] to the  
29 school. The superintendent shall accept the person unless there are not  
30 adequate facilities available to provide the necessary care, or there [are  
31 not adequate funds] is not adequate money available for the support of  
32 the school, or, in the opinion of the superintendent, [such] the person  
33 is not suitable for admission to the school. Upon the written request of  
34 the superintendent, at any time either before or after commitment to the  
35 school, the court may order commitment to a school approved by the  
36 board outside of the State of Nevada, or to a private institution within  
37 the State of Nevada.

38 2. The court may order, when committing a female minor to the  
39 care, custody and control of the school, that the expense of her support  
40 and maintenance be paid in whole or in part by her parents, guardian or  
41 other person liable for her support and maintenance. [The moneys so  
42 ordered paid shall be paid] The person ordered to pay for the support  
43 and maintenance of the minor shall pay the money to the superintendent,  
44 who shall immediately deposit the [sum in the state treasury to be credited  
45 to the] money with the state treasurer for credit to the state general fund.

46 3. The court shall order, before commitment, that [such] each  
47 female minor person be given a physical examination, which [examination  
48 shall] must include a blood test, [X-ray examination] test for tubercu-  
49 losis, urinalysis, and an examination for venereal disease by some licensed



1 physician. The physician shall, within 5 days after [such] the exami  
2 nation, make a written report of the results thereof to the clerk of th  
3 juvenile court, if there is one, and otherwise to the county clerk of th  
4 county wherein [such] the commitment was ordered. Upon receipt o  
5 the written report, the county auditor shall allow a claim for payment to  
6 the physician for the examination. The clerk of the juvenile court or th  
7 county clerk, as the case may be, shall immediately forward a copy o  
8 the written report to the superintendent.

9 SEC. 6. NRS 210.680 is hereby amended to read as follows:

10 210.680 1. The chief of the youth parole bureau may petition th  
11 committing court requesting that the parole of a person paroled from th  
12 school be suspended, modified or revoked.

13 2. Pending a hearing, the committing court may order:

14 (a) The return of the parolee to the school; or

15 (b) If approved by the local juvenile facility, that the parolee be he  
16 in the local juvenile facility.

17 3. The [school] youth parole bureau shall pay all actual and rea  
18 sonably necessary costs for the confinement of a parolee in the loc  
19 juvenile facility.

20 4. If requested, the committing court shall allow the parolee rea  
21 sonable time to prepare for the hearing.

22 5. The required hearing may be conducted by a judge or master o  
23 the committing court, who shall render a decision within 10 days aft  
24 the conclusion of the hearing.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 386

ASSEMBLY BILL NO. 386—ASSEMBLYMAN HORN

MARCH 26, 1981

Referred to Committee on Judiciary

SUMMARY—Provides that prisoner sentenced to life with possibility of parole must serve minimum of 10 years in prison. (BDR 16-1238)

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 parole; limiting parole for certain prisoners whose sentences have been commuted; 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 213.1099 is hereby amended to read as follows:
- 2 213.1099 1. Except as provided in [subsection 2,] subsections 2
- 3 and 3, the board may release on parole a prisoner otherwise eligible for
- 4 parole under NRS 213.107 to 213.160, inclusive, only if, from all the
- 5 information known to the board, it appears to the board:
- 6 (a) That there is a reasonable probability that such prisoner will live
- 7 and remain at liberty without violating the laws; and
- 8 (b) That such release is not incompatible with the welfare of society.
- 9 2. When a person is convicted of any felony and is punished by a
- 10 sentence of imprisonment, he remains subject to the jurisdiction of the
- 11 board from the time he is released on parole under the provisions of this
- 12 chapter until the expiration of the term of imprisonment imposed by the
- 13 court less any good time or other credits earned against such term.
- 14 3. *The board may not release on parole a prisoner whose sentence*
- 15 *to death or to life without possibility of parole has been commuted to a*
- 16 *lesser penalty unless it finds that the prisoner has served at least 20 con-*
- 17 *secutive years in the state prison, is not under an order that he be*
- 18 *detained to answer for a crime or violation of parole or probation in*
- 19 *another jurisdiction, and that he has no history of:*
- 20 (a) *Recent misconduct in the institution, and that he has been recom-*
- 21 *mended for parole by the director of the department of prisons;*
- 22 (b) *Repetitive criminal conduct;*
- 23 (c) *Criminal conduct related to the use of alcohol or drugs;*
- 24 (d) *Repetitive sexual deviance, violence or aggression; or*
- 25 (e) *Failure in parole, probation, work release or similar programs.*

1     SEC. 2. Section 1 of this act shall become effective if Assembly Joint  
2     Resolution 30 of the 60th session of the Nevada legislature is approved  
3     and ratified by the people at the 1982 general election, and on the date  
4     following the canvass of the returns by the supreme court.

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(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 269

ASSEMBLY BILL NO. 269—ASSEMBLYMAN SADER

MARCH 4, 1981

Referred to Committee on Judiciary

**SUMMARY**—Permits district attorney to refer person suspected of child abuse or neglect to social agency for treatment or counseling. (BDR 16-921)

**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 against the person; providing for referral by a district attorney of a person suspected of abusing or neglecting a child to a social agency for treatment or counseling; 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 200 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *A district attorney may, if the circumstances indicate that treat-*  
4 *ment or counseling is needed, refer a person who is suspected of violat-*  
5 *ing a provision of NRS 200.508 to an appropriate public or private*  
6 *agency for treatment or counseling. The district attorney shall obtain*  
7 *the consent of the agency to which he intends to refer the person before*  
8 *doing so.*  
9 2. *Nothing in this section limits the discretion of the district attorney*  
10 *to undertake prosecution of a person who has been referred for treatment*  
11 *or counseling pursuant to subsection 1.*  
12 SEC. 2. NRS 200.5011 is hereby amended to read as follows:  
13 200.5011 As used in NRS 200.501 to 200.509, inclusive [:], and  
14 section 1 of this act:  
15 1. "Child abuse and neglect" means the nonaccidental physical or  
16 mental injury, sexual abuse, negligent treatment or maltreatment of a  
17 child under the age of 18 years by a person who is responsible for the  
18 child's welfare under circumstances which indicate that the child's health  
19 or welfare is harmed or threatened thereby.  
20 2. "Sado-masochistic abuse" has the meaning ascribed to it in NRS  
21 201.262.

- 1       3. "Sexual abuse" includes but is not limited to acts upon a child  
2 constituting:  
3       (a) Incest under NRS 201.180;  
4       (b) The infamous crime against nature under NRS 201.190;  
5       (c) Lewdness with a child under NRS 201.230;  
6       (d) Annoyance or molestation of a minor under NRS 207.260;  
7       (e) Sado-masochistic abuse;  
8       (f) Sexual assault under NRS 200.366; and  
9       (g) Statutory sexual seduction under NRS 200.368.