

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session
February 25, 1969

Meeting was called to order at 4:10 P.M.

PRESENT: Torvinen, Kean, Swackhamer, Fry, Prince, Schouweiler, Bryan Reid, Lowman.

MR. TORVINEN: I have here a bill which Frank Young would like to have introduced by the committee. Generally what it does is to make it illegal for private owning of bazookas, recoilless rifles, etc. This is the California Act.

MR. KEAN: Are there any exemptions in there for people who use dynamite in their business?

MR. SWACKHAMER: If I were going to throw a Molotov cocktail through somebody's window, I would not care whether this bill had been passed or not.

MR. TORVINEN: Who issued the permits?

MR. KEAN: It says "shall obtain permit from the sheriff of the county." My honest opinion is that this is not going to do anything.

MR. SWACKHAMER: Tell Frank Young NO.

The motion to refuse to introduce the legislation passed.

MR. KEAN: If we could come up with a definition of "dangerous drugs" it would save time on a lot of these bills.

MR. TORVINEN: Mr. Bryan introduced a bill this morning that gives this definition.

MR. TORVINEN: I have two other bills here that Harry Reid gave to me. They both have to do with liens on real property, deficiency judgments, closing of sales and so on.

AB 298 has to do with deficiency judgments and it is already in. There is no deficiency judgment in California and apparently the situation does not dry up the money market.

I have AB 199 which I introduced to outlaw acceleration clauses. With both of these money would be hard to find.

MR. REID: Zel Lowman and I were requested by various people to introduce these deficiency judgment bills. He got one and I got one and there is another one in the Senate.

I would like to get committee introduction on these two and then add Hilbrecht's bill AB 298 and have a hearing. First Western wants to send someone up, also Nevada Savings and several others.

California has a statute that has caused 3,700 interpretations by case. Maybe, through all this, we could get a better one? I would like to allow the home buyer some protection. Right now we have chaos.

MR. TORVINEN: I can't say it is chaos. We just don't have a deficiency judgment.

MR. KEAN: Who would you like to have go over all these and try to get one good bill out of them?

MR. REID: There is an expert from California that is willing to come in. He works with Nevada Savings.

MR. TORVINEN: Are any of these building and loan companies in favor of a deficiency judgment?

MR. KEAN: California says no deficiency judgment and we say yes. Is that it?

MR. REID: Yes. All we have on it is case law.

MR. SWACKHAMER: I would automatically be against hearing from someone who works for Nevada Savings. They are the guys we want to protect the people from.

MR. REID: I don't think so. They know something is going to be done.

MR. REID: I move committee introduction of these bills, BDR 3-1548 and BDR 3-925.

Mr. FRY: I second the motion.

Motion carried unanimously.

MR. TORVINEN: We have about 100 bills that we have not done much about. There are about 20 on narcotics and then we have 8 or 10 for which hearings have been set next week. Since many of the assemblymen from the south are staying over this week-end, maybe we could meet about noon on Saturday.

MR. SWACKHAMER: I will stay Saturday, but not Sunday.

MR. KEAN: I move we look into the possibility of overtime, Saturday or Sunday or evenings.

AB 430: Raises maximum age of female for statutory rape.

MR. REID: I move we indefinitely postpone AB 430.

MR. LOWMAN: I second the motion.

Motion carried unanimously.

AB 179: Provides for award of costs and disbursements relating to trials.

MR. REID: I move to delete section 2, subsection 3, page 2, about line 25

MR. KEAN: I second the motion.

MR. TORVINEN: You can't amend half a section.

Mr. Torvinen then called Russ McDonald who told him that they do cross reference these bills but not until after they are passed.

MR. TORVINEN: If we take out lines 25 through 31, actually what we are doing is repealing it and that is worse than having two non-conforming sections.

MR. KEAN: I move Do Pass AB 179.

MR. FRY: I second the motion.

Motion carried, with Reid and Bryan voting NO.

MR. LOWMAN: You did not recall AB 117 yet, did you?

MR. TORVINEN: No, it is still on the desk.

AB 161: Increases amount of security required under Motor Vehicle Safety Responsibility Act.

MR. FRY: I move Do Pass AB 161.

MR. REID: I second the motion.

Motion carried unanimously.

MR. SWACKHAMER: There are too many people running around without a driver's license and without any insurance. We should put some teeth into this situation.

MR. TORVINEN: The insurance companies hate to take these bad risks. You noticed that none of them had anything to say about this.

MR. REID: I represent a man who has been in three accidents the last two years. On the last one he was so drunk he wiped out three cars. His driver's license was taken away from him but he still drives every day.

MR. PRINCE: Is there any way that we can get the insurance companies to notify the Department of Motor Vehicles when premiums are not paid. You don't know now whether or not they have insurance.

MR. TORVINEN: Is there anything in the federal package about compulsory insurance?

MR. KEAN: The concensus of opinion generally is that compulsory insurance will force rates to go up.

MR. REID: I don't think we need compulsory insurance but we should do something to prevent people who can't get insurance from driving.

MR. FRY: Instead of revoking the license, we should impound the car. That would really make them sit up and notice.

MR. LOWMAN: Is there any stomach in this committee for doing a study of this situation?

MR. REID: Maybe Jim Bailey could come in and talk to us about it.

MR. TORVINEN: We will hold AB 295 and AB 190 for awhile to give Mr. Vargas a chance to come up with some suggestions.

MR. REID: The only thing was the uninsured motorist and we could do something about that.

AB 181: Provides methods for interest computation.

1-227

MR. REID: I don't like this bill. It is a bad bill.

MR. TORVINEN: Section 2 is out he said

MR. REID: I move we indefinitely Postpone AB 181.

Mr. Lowman: I second the motion.

MR. SWACKHAMER: In fairness, if someone ties up some store's money, they ought to get their interest. We have passed bills for less reason than this.

MR. REID: I withdraw my motion to Indefinitely Postpone AB 181.

MR. SWACKHAMER: I move we delete sections 1 and 2 and leave section 3 alone.

MR. PRINCE: I second the motion.

Motion carried unanimously.

MR. SWACKHAMER: I move Do Pass what's left of AB 181.

MR. PRINCE: I second the motion.

Motion carried, with Mr. Lowman and Mr. Reid voting NO.

AB 175: Prescribes certain procedures relative to motion for change of venue in criminal actions.

Mr. Bryan read an amendment he had prepared.

MR. KEAN: I move Do Pass AB 175 as amended.

MR. REID: I second the motion.

Motion carried unanimously.

MR. LOWMAN: Inasmuch as we now have the two members present who were absent when we considered AJR 16, I move we reconsider it at this time. All of you have now had a chance to read the minutes from that day.

MR. SWACKHAMER: Are you suggesting the amendments be left in?

MR. LOWMAN: Yes.

Mr. LOWMAN: I move to reconsider AJR 16.

MR. SWACKHAMER: I second the motion.

Motion carried, with three voting NO.

MR. BRYAN: There can be cases where injustices can occur as a result of reducing the verdict from unanimous to 10 - 2.

MR. SWACKHAMER: it is agreed that the jury system is not perfect, but neither is it too bad. The jury system has been definitely tampered with and I thought we were trying to get something to offset this.

MR. LOWMAN: I certainly agree that the intention of this is to solve some of our problems that we have in law enforcement. However, the ground was cut out from under me by the district attorney who said he would accept a life sentence.

MR. LOWMAN: I move Do Pass AJR 16 as amended.

1-228

MR. SWACKHAMER: I second the motion.

Motion carried with 6 Ayes and 3 Nos. No votes were from Mr. Kean, Mr. Bryan and Mr. Fry, who then asked for a minority report.

MR. BRYAN: I am afraid that two years from now we will still have an increase in crime and someone will come back and say let's make it 7 to 5.

MR. TORVINEN: The court decisions of the last few years have definitely increased the number of jury trials.

MR. BRYAN: I feel there is a real serious danger that the Supreme Court will hand down another decision where a trial case has to have a unanimous verdict. Last year they said that jury trial was binding upon the states. It would mean that every single case would have to be re-tried with much confusion.

MR. SWACKHAMER: It isn't going to pass for at least four years.

MR. REID: I have talked to quite a few people about this over the weekend. I would like to mention two points: First, we have eliminated capital punishment; Second, We have at least two years to see what happens. I don't think this is such a big step forward.

MR. TORVINEN: What you are saying is that we ought to run it up the flag pole and see which way the wind blows.

Meeting adjourned at 5:17 P.M.