MINUTES OF HEARING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session
February 6, 1969

The hearing began at 2:25 P.M.

Present: Torvinen, Schouweiler, Swackhamer, Kean, Prince, Reid, Fry, Bryan, Lowman

MR. TORVINEN: This time has been set for a hearing on bills dealing with several aspects of the Criminal Law, namely AB 2, AB7, AB 81 AB116, AB117, AB119, ACR4 and AJR4. It has also been requested that we take up AB156 and we will try to do so.

AB7 and AB116 say the same thing in different ways. I think we can deal with those two together. Otherwise, we will take up the bills in order.

AB 2: Provides for three-judge panel to determine sentence in all capital cases.

MR. TORVINEN: We will first hear from the proponents of the bill.

Since no one here is speaking in favor of the bill, we will now hear from the opponents.

WILLIAM RAGGIO: District Attorney, Washoe County: I asked Mr. Lowman for the purpose of the bill and he was under the impression from the Clark County District Attorney's office that there was constitutional trouble now in obtaining a jury in capital cases. This springs from the Witherspoon case.

I don't feel that our present system of jury selection presents this problem. In my thinking, there is no need for this legislation. Curiously enough, I am joining with defense counsel in so far as this bill is concerned. I am satisfied with the system we now have.

I recommend that we retain the present system which allows jurors to set the punishment in capital cases.

ROBERT LIST: District Attorney for Ormsby County: I join with Mr. Raggio in opposition to the bill. My reasons: 1. It would be necessary to present evidence to the three-judge panel following conviction and this would be a repeat of evidence given to the jury. It would be time consuming and expensive and would further clog the court calendar. 2. I think it would be impossible to effectively recreate the evidence of the crime this second time around, with the same color and effectiveness that it was done before the jury. The jury is present at the trial itself and are able to determine all the innuendos of the trial itself. It would be virtually impossible to get all this from a transcript.

3. Finally, I think the jury is as capable of judging this atrocious penalty as a three-panel judge system would be. In the same connection, left to twelve people, the chances for an equitable penalty are greater than they would be with a three-judge panel.

MR. BRYAN: Is there any interest at all in passing this bill out?

GEORGE FRANKLIN: District Attorney Clark County: The Court may rule that the penalty is not legal, even this way. I would recommend that you do not pass this bill.

MR. REID: I move that the public hearing testimony on this bill be closed.

MR. PRINCE: Let's hear from Mr. Lowman.

MR. LOWMAN: The arguments are against a judge who is an attorney. It seems to me to be non-applicable to this thing. If we are not allowed to take testimony from trial and review it, why do we have the Supreme Court?

MR. LIST: The judge is no more omnipotent than is a layman in determining whether the death sentence is called for. Under the present system this decision is left to the jury, or laymen, and I feel they are as prepared to do this as is a man with a legal education. The judge is to determine questions of law, not facts. The jury works with the facts. Then they have to set what penalty from among those from which they have a choice.

MR. LOWMAN: In this country we seem to have great respect for a jurist. If this bill will not do what I want it to do, let's drop it right now.

AB 7: Removes discretion of district attorney to classify motor vehicle as felony or misdemeanor.

AB 116: Includes vehicle theft within crime of grand larceny.

MR. TORVINEN: We will discuss these two bills together and we will hear the proponents first.

MR. RAGGIO: I can state to you what seems to me to be the concensus of district attorneys in this state. Originally, all thefts of motor vehicles were prosecuted under grand larceny statute, which made the theft of anything over $100 grand larceny and anything under petty larceny.

Then we got into the situation where the theft of a motor vehicle was made a special statute, the unlawful taking of a vehicle. The Supreme Court held that there was a conflict and the thing became very confused and the matter was again legislated.

Now we have a new problem, because in the last session, you gave the district attorneys discretion to decide whether it was a felony or misdemeanor. The Supreme Court has said you can't do that. I feel the best solution would be to put vehicles back in grand larceny. This is the most realistic approach. I feel it is better to go back to grand larceny and petty larceny than to have a special statute for automobiles.

MR. KEAN: The net result of this would be to remove the joy-riding situation.

MR. RAGGIO: It is possible it would do that, but you could still prosecute under petty theft. There still remains the discretion of saying which it is. Otherwise, we are running into so many problems it is ridiculous.

You can't pass a joy-riding statute because the Court says that is pre-empting grand larceny.

MR. FRY: Are you, by implication, saying we should repeal all of 272?

MR. RAGGIO: Yes. We did not seem to have much problem before, when it was grand larceny.

MR. BRYAN: You recommend Do Pass on AB 116 and Do Not Pass on AB 7?

MR. RAGGIO: Yes.

Mr. Fry: Could we do something about the joy-ride situation?

MR. RAGGIO: We run into all kinds of problems with this. Whether it was the intent to temporarily defraud or permanently deprive. If you can define these terms, it would be fine.

BILL MCDONALD: You still would have the misdemeanor situation to use on the joy-ride. (Mr. McDonald is district attorney at Humboldt County)

GEORGE FRANKLIN: Even the use of the word "joyride" is anethema to me. It takes just as much premeditation to take a car for joyriding as it does to steal it. This thing about temporary deprivation from the owner: I think it encourages the young people to think it is not too serious. Where there has been direct association between the parties involved, this might make a different situation, such as a girl and her boyfriend.

MR. LIST: I think on AB 116, in addition to amending 205.272, you should consider amending 220, also. Should strike out "except a motor vehicle".

MR. TORVINEN: That point is well taken.

MR. REID: Mr. Lowman, is there anything in AB 7 that we have missed?

MR. LOWMAN: Not to my knowledge. I got two bills when I only wanted one. AB 116 will be fine.

MR. SANTINI: I do feel there will be problems, whether you go with AB 7 or AB 116. If AB 7 "with intent to permanently drprive" from the prosecution standpoint. You will be stymied by point of intent. If you get into the realm of intent for only temporary deprivation, problem there, too. If you just amend the grand larceny offense, you have got your felony. It might be a comparatively harmless situation. You would not prosecute as a felony but it would be on the man's record as a felony, a grand larceny arrest.

There are instances where kids steal cars without the intention of keeping them. Set up this way it would be a grand larceny or misdemeanor offense. Consideration of this type of situation might be

included as amendments in AB 116 and might help. I believe you could draft a statute that would reasonably separate this joyriding thing and have reasonable standards to give intent to permanently or temporarily deprive.

MR. REID: What other objections do you have to AB 116? If we have heard all the objections, maybe we should go into something to try to erase these felony arrest records.

MR. RAGGIO: You don't have to show whether the theft was temporary or permanent with grand larceny.

MR. BRYAN: One of the elemements you have to have is intent to permanently steal.

MR. RAGGIO: Don't leave it the way it is. It is a mess for either defender or prosecuter.

MR. FRANKLIN: Fear of arrest and a felony record should not be the only consideration. People should be arrested for grand larceny. Please don't give us bad law in this bill. Give serious consideration to expunging the record. Maybe we should prohibit possible employers such as the state from asking "Have you ever been arrested?" Those two bills, if passed, might still allow us to proceed properly.

MR. KEAN: I would like to have Mr. Santini suggest a statute for us.

MR. RAGGIO: I will prosecute whatever you pass. It is the public that has to live with it.

MR. SWACKHAMER: About this matter of intent: It seems to me that I could steal your car and keep it for two days while I tried to sell it. Then I could return it if I couldn't sell it. You would practically have to catch me in the act of selling it in order to prosecute.

MR. SANTINI: You have put your finger on the problem. You have to try to figure out what was in his head. You need to set out statutory guide lines to help us. This way juries won't be faced with this problem.

MR. FRANKLIN: Where close association is involved, I don't even prosecute, believe it or not.

MR. KEAN: That forces you to be a legislator.

MR. FRANKLIN: It forces us to use our good judgment. We don't want to waste the taxpayers money. Justice should be equal with all people.

MR. RAGGIO: You could solve the problem by just including car theft in the grand larceny section, whether intent was temporary or permanent. Youngsters are treated as juveniles no matter what the crime. We are under mandate from the Supreme Court to correct this problem. We had better do it. Everything we do is based upon the traditional discretionary powers of the prosecutor.

MR. LIST: Since the Supreme Court held that taking a car is not a felony, writs have been flowing out of the prison in streams. We should come out immediately with something to cover future offenses.

If the District Attorney charges with something less than is actually the case, this tampering with a vehicle is now on the books and can be used in these cases.

AB 81: Permits use of minor as informant in investigating dangerous drug law violations.

MR. REID: I am wondering if we can have someone from the district attorneys tell us if this is needed.

MR. FRANKLIN: I think we are covered already under existing laws, 100%. The existing laws would be better than this.

MR. RAGGIO: I do not feel that this bill is needed.

MR. BRYAN: The history behind this is that the juvenile judges have told law officers, on enforcement, that this cannot be done and that the person who does use these kids will be hit with a felony.

MR. FRANKLIN: I think we would be better off the way we are now.

MR. LIST: I would concur in this. Present laws in regard to witnesses in case of a juvenile being used would take care of it.

ACR 4: Directs Legislative Commission to make study of administration of criminal justice.

MR. KEAN: What happened to all that work we did two years ago?

MR. LOWMAN: Let me explain the intent of this. A lot of my bills are amendments to help us get better control over crime, throughout the state. This bill is not intended to be a study of the courts or of the Criminal Code. It is intended to open avenues by which we can find a way to enforce traditional or even common law, and keep the crime rate down. How to get around undue protection for the criminal as opposed to a vacuum.

MR. FRANKLIN: We do have a serious problem that needs review. This bill has merit. Laws have one hundred percent monopoly on these things from the time they begin. I don't think attorneys should be the ones to set the laws. They should be set by ordinary people. We should get the people back into the criminal problems. Attorneys should not set the mores of a people.

MR. SCHOUWEILER: Then you would wish to add to the membership of the committee which is made up only of lawyers.

MR. FRANKLIN: I would much rather have it made up of lay people. I am not in agreement with the language.

MR. RAGGIO: I am grateful that the State Bar and the District Attorneys should be asked to participate. In all seriousness, I cannot quite agree with Mr. Franklin on this. I think we ought to listen to the

people on the way we administer criminal justice. However, I think the District Attorneys and the Bar Association would be the ones that would be equipped to hold hearings and get this going. We should hear the people.

To just pass this resolution would be meaningless, unless it is funded in some way so that statistics could be gathered and so on. The bill has merit, but it will only be as effective as you make it.

MR. FRANKLIN: Are we jumping the gun on this inasmuch as our proposals will appear later on these different things. Maybe these are what we are talking about in some degree.

MR. RAGGIO: This thing that has to do with motor vehicles would be a record-keeping situation. I am referring to statistical data which could show us if the procedures being followed by police are effective and efficient and if the procedures of the district attorneys are getting results.

MR. LIST: I think such a study would get into the matters covered two years ago which still need beefing up. We still have writs coming out raising matters which could have been handled on the first occasion.

This Committee should put the burden on the defendant to raise all his problems at the same time. We see this particularly in the capital cases. We should be able to figure out something better than playing these cases over and over again.

MR. FRANKLIN: Should not a man on a second offense be denied the right to bail? Lawyers will say no, no, he has his rights. Does he have the right to go out and commit crimes for another twelve months while his appeal is pending?

The Supreme Court has so extended the rights of the defendant that we need HELP! Once a judge has decided there is reason to hold a man why should we give him the right to appeal three times before he is even tried?

MR. TORVINEN: Four years ago we had a study of the Criminal Code. Should we wait until we digest these past two before we jump into something else?

MR. FRANKLIN: I am inundated with Writs of Habeas Corpus from men who have exhausted every right they should have. Maybe we should do something about that.

MR. REID: Wouldn't it be better to have the bills introduced this time. It would save money and be better all around. We would like to do what the people want.

MR. LOWMAN: We are in session 60 days and these things happen during the two-year interim. I would like to see what has happened in every state in the union that might help us in our administration of criminal justice.

MR. SCHOUWEILER: Did you plan on visiting every state in the country?

MR. LOWMAN: No. I can get a lot of mileage out of a stamp and a piece of paper. We should try to find every way we can to protect the people

from the criminal.

MR. SWACKHAMER: I would like to comment along the line that Mr. Reid did. We are here. Let's enact some laws. If we need them now we will need them a damn sight worse two years from now. I would like to ask George Franklin for suggestions.

MR. LOWMAN: You are going to see 19 new bills as a result of the study we did on narcotics.

MR. KEAN: Mr. Franklin brought up one thing that has bugged me for years. We have increased penalties and made more things felonies ever since I first came here in 1955. At no point has there ever been an attempt to expunge the record of a man who has served his country well.

MR. RAGGIO: California has such a law.

MR. FRANKLIN: We tried to do something about this two years ago. We should pass it on a state basis but should try to get it extended to a national basis. It will surely help just to get it in Nevada. The prosecutors all feel that when a man has served his time his record should be forgotten.

MR. KEAN: I don't feel that such an idea as this can be helped by any study. We could introduce it now.

MR. TORVINEN: Except that the bill drafter has a twelve-day backlog.

MR. LIST: A man who has served his time and his probation can go into court and plead not guilty and the record will not show his conviction any more. There is now that one thing he can do.

MR. RAGGIO: Probation and this record that can be changed is only available in felony cases. Some consideration should be given to the same thing in misdemeanors, or justice cases. We have discussed this many times but have not been able to generate much interest.

AJR 10: Proposes constitutional amendment to limit right to bail.

MR. TORVINEN: I see the names of several members of the committee are on this bill.

MR. SCHOUWEILER: This concept was put out editorially by Hank Greenspun of the Las Vegas Sun. There is an opinion written by legislative counsel on the constitutionality of this. We will be able later to provide a copy of this to each member of the committee.

MR. TORVINEN: What, exactly, do you think this constitutional amendment accomplishes?

MR. SCHOUWEILER: I would like to have Mr. Frank Young in on this because this legislation came out of the Clark County Delegation.

MR. BRYAN: This concerns a case which is presently pending. I don't think arguments should be used to influence this committee. That case is still pending.

MR. LIST: I think this committee should give favorable consideration to it. This would extend the judge's discretion to narcotics. It seems to me that a narcotics offender on bail is more dangerous than a man who is accused of murdering his wife. It makes sense to me to deny bail to the narcotics offender.

MR. REID: Would you limit this to any type of drugs?

MR. LIST: The volume dealer in marijuana who is getting the stuff to school kids should be kept off the street and he could be with this.

MR. KEAN: We should include other things than the named drugs.

MR. FRANKLIN: We should include dangerous products as well as dangerous drugs.

MR. SANTINI: I am wondering about the necessity of increasing expenses thousands of dollars and having a long delay while the man is out walking the streets. A narcotics man is a great danger to society. When bail is set it is usually set in terms of $10,000, so the man is not usually walking the streets. The only reason bail is not set high is when the judge is not afraid of the man's past record.

MR. FRANKLIN: Suppose a man commits a crime with the use of a gun. You could deny him bail by adding "for the protection of the community". One court has supported this decision. I have had 47 robberies in a month's time by the same man who was out on bail. I would appreciate help on this. A man is arrested and is out immediately on bail or probation.

We are talking here about constitutional amendments, just a flat-out denial. Would anybody be amenable to setting up statutes to control this situation by just denying it entirely? As a practical matter it is done almost off the cuff in many cases.

MR. TORVINEN: What you are saying is the district attorneys should have a procedure where they could request a bail denial.

MR. RAGGIO: As a practical matter I agree with George's suggestion if the judges would take this into consideration. I believe they already have authority to do it. But we cannot know that all judges will do the same thing.

MR. FRANKLIN: My judge sets bail at $1500 and yours sets it at $30,000. I would appreciate legislation that would enable us to come in and set bail. Maybe in two weeks after the guy is arrested we get back word from the FBI or somewhere that he has a criminal record going back for years. We should be able to increase bail on proper grounds.

AB 117: Specifies time when one spouse may testify against the other.

MR. TORVINEN: I would like you to address your remarks primarily to the criminal proceedings section of this bill.

MR. RAGGIO: I favor this. It pertains to the wife or husband testifying against each other. We have been stymied in many instances of child beating cases where the wife was the only witness and yet under the law she cannot testify. Our present law goes back to common law where the security of the home and marriage was the main thing. However, this other need is great, and I would implore you to act favorably on this legislation. It would apply to sexual violation of a child, or when a child is beaten or killed. This situation has long needed attention.

MR. FRANKLIN: I can give you some horrible instances of where we have needed this legislation. We had one case where three days after a man and woman married, he beat and killed the two year old daughter of the woman by a former marriage. She was prohibited from testifying and the case was thrown out.

In another case of homicide, there were only three people there when the murder was done, the husband and wife and the person who was killed. She told us exactly how it happened but she couldn't testify in court because she was prohibited.

MR. KEAN: I think you will agree that in cases of divorce each will do anything to get even with the other one, especially as it concerns finances. The wife could accuse the man of attacking their daughter when he did not. Then what? The only reason for saying it was that the wife wanted to clean him.

MR. TORVINEN: We have law elsewhere pertaining to divorce actions.

MR. FRANKLIN: We are not talking about a divorce action. We are talking about a police accusation.

MR. MCDONALD: She could still charge him by talking to anyone she wanted to.

MR. SANTINI: I agree one hundred percent with this bill except for the areas pertaining to juvenile procedures. For example, in case of parental neglect of a delinquent; the mother may not like the kid and she can go down there and really lay it on.

AB 119: Repeals provision of criminal procedure law providing for exclusion of certain persons at preliminary examinations.

MR. TORVINEN: Don't we have another bill in on the exclusion of persons that is some different than this bill? I would like Mr. Raggio or Mr. Bryan to explain this to us.

MR. BRYAN: Under the present law the defendant can move to exclude all persons from the courtroom except those necessary to the procedure. This closes the case to the public and to members of the press. This bill would simply repeal that statute and no longer would the justice of the peace or the defendant have power to do this.

MR. SWACKHAMER: What was the original law put in for?

MR. BRYAN: It went in in 1864. There was some proviso that all territorial acts go into the laws of the State of Nevada.

MR. RAGGIO: I don't really care one way or another about this bill. The prosecutor never had this right. The defendant has been the only one who could do this. I did some research on this thing some years ago when I got interested in it. The thought was to be able to afford protection to the defendant if he thought he needed it. If the crime was a heinous one it was thought the defendant might need protection from the public if he was acquitted.

The argument against allowing the public and press to be excluded is that the fact of arrest has always been open and available to the public and press, so I don't think the defendant is really protected from the fact of what he has done. You only keep the public from knowing what went on during the trial.

MR. SANTINI: I would propose changing the word "shall" to "may" in the existing law. I have seen cases where a man's reputation in the community was destroyed. The availability of the transcript is not realistic to me. It is not prepared for a week or two afterward. We are here dealing with a very delicate area. We do have preliminary hearings and if anybody picked up a paper and read what was written about it, he would be subconsiously affected in his opinion of the case.

Other instances, say a case against a child or a woman who has been raped or attacked: They should not necessarily be exposed to this type of notoriety. I would like to leave this to the discretion of the court to determine.

MR. KEAN: Question: I can't remember the recommendation of the court study revision on this. Do any of you remember?

MR. TORVINEN: It doesn't make any difference.

MR. KEAN: I am concerned about the quality of the justices of the peace.

MR. BRYAN: I can cite one instance of rape where the judge did exclude the public from the hearing, at least during the testimony of the woman. The court did affirm that they had the power to control what went on in the court. I think the magistrate would still have this power under a proper showing to exclude people.

MR. TORVINEN: My impression is that we would be repealing the whole statute if we pass this.

MR. SANTINI: I can remember a case where a proponent for this legislation had everybody excluded from a hearing.

MR. FRANKLIN: As long as the defendant has his counsel, the public has a right to be there. Star chamber proceedings subjects the court to criticism. In the Riley case, the Supreme Court affirmed the court in excluding people from the trial. The woman went into a trauma, literally had a nervous breakdown right on the stand.

MR. TORVINEN: This concludes the bills we had listed for this hearing. We have other bills the committee would like you to comment on if you would care to stay.

AB 132: Authorizes publication of name of juvenile offender who commits subsequent felony.

MR. RAGGIO: For a long time, I have felt that giving complete anonymity was doing a disservice to those young people who are good kids. I have never thought a first offense ought to be held up to public record, but I do feel that a chronic juvenile offender should not be given this anonymity. As a parent, I would want to know what type of kid my own children were associating with. This is the first realistic wording I have seen that would do this. I recommend this law be passed.

MR. FRANKLIN: I think this is absolutely necessary if we are to have deterrants with our juveniles. I feel so strongly about this that I will not be able to express myself adequately. I have an 11-year-old kid who has committed 102 burglaries. The parents of other children have the right to know that this child has done these things. It might even jar his parents into doing something about him.

We are talking about a double standard of embarrassment. Many times we have to prosecute a forty-year-old man as a sex offender. Don't you think his wife and children are embarrassed? His name is published.

MR. RAGGIO: The only restriction now is that it can't be published in the newspapers. The radio and TV people can do as they please.

MR. FRANKLIN: We are talking about felonies.

MR. LIST: You can't publish it until he is convicted. If he is just arrested it won't be published. After a second offense, certainly he is a hard-core enough individual that publicity is not going to hurt him.

MR. FRANKLIN: We in law enforcement know that for every offense we have convicted him for, he has committed 13 others. If he has been convicted twice, he deserves no consideration.

MR. SANTINI: These juvenile types are usually criminal by nature. Rather than be deterred by having their names in the newspapers they would be encouraged. Guys who are trying to be good might be encouraged, also, to get the notoriety that Joe got. Joe is a big shot and you are going to hurt the type of people we are trying to keep from going bad.

MR. RAGGIO: I don't agree with you. I have asked these juvenile types this question. Ninety percent of them tell me that this would not be so. I don't buy that argument. They want to know which kids are the bad ones.

AB 144: Provides for treatment as adults of children over 16 years old on felony charge.

MR. TORVINEN: This is far-reaching legislation. The changes the age of adults to 16.

MR. FRANKLIN: I would like to come up here with statistics about how 50% of all crimes committed are by people under 17 years of age.

MR. TORVINEN: We will hold this bill and not discuss it any more today.

AB 156: Requires notice of alibi in criminal proceeding.

MR. KEAN: What does the district attorney have to do to make it fair and equal?

MR. FRANKLIN: We just automatically disclose "alibi". An "alibi" means a totally innocent man and you have got to have enough faith in your district attorney to know that he will take this one out.

MR. REID: The time limit set forth in the bill is my only question.

MR. RAGGIO: I was thinking about that, too. People get bogged down on the word "alibi", but it is a recognized legal defense. There should be no real reluctance to disclose this fact. If it was not true, then there should be an allowance for time to check it out. There should be sufficient time for the state to disprove an "alibi" if it is not true. I am a little concerned about the ten days limitation. 20 days would be more realistic.

MR. LIST: It seems to me at the present time that the state has to list all their witnesses before the man is even arraigned. If you desire additional witnesses, you have to come in and go through all sorts of red tape. The district attorney has to come in with all his witnesses. The defense does not have to.

MR. KEAN: Suppose you did have the ten days. Shouldn't the defense have the right to know what you found out? Shouldn't the defendant have some time?

MR. LIST: All we want is a proper opportunity to present our case. If he suddenly claims "alibi" we are not prepared for this and we have to ask the court for time.

MR. RAGGIO: We always have the problem of determining the credibility of the witness. We are trying to bring out the truth in court. If the defendant has nothing to hide he has nothing to worry about.

MR. LIST: I suggest 30 days.

MR. FRANKLIN: We are in court by then.

AB 174: Permits juvenile traffic offenders to be tried in justice's court or municipal court.

MR. TORVINEN: This has been back and forth from juvenile to justice court three times in the last ten years.

MR. RAGGIO: Everyone I have talked to says if we are going to give them a license and let them drive they should be responsible. If they are going to have the privilege of driving, they should have the same responsibility about driving as an adult.

MR. REID: Do we have courts that could handle this?

MR. REID: We have one man in Las Vegas that sits for ten hours every Saturday.

MR. RAGGIO: They would be handled in justice court or municipal court.

MR. REID: They dispense justice first in those courts.

MR. RAGGIO: There is probably so much to do in this area, it should be handled in that way.

MR. REID: Does the demerit system apply to young people the same as to adults?

MR. FRANKLIN: Not required to, and yet a sixteen-year old gets exactly the same driver's license as an adult. Also, if he gets ten miles over the speed limit, he is tried differently. This goes back to a double standard of justice. A person injured by him is hurt just as bad as if hurt by an adult.

MR. REID: Are there any other states that treat juveniles as adults? My only complaint is that it changes with every session of the legislature.

BILL MCDONALD: Out in the cow counties we feel these juvenile traffic offenders should go to justice court.

MR. LIST: I had a case of an accident lately where a kid took off with his buddies in an old jalopy with four bald tires. If he is tried as an adult, he will not lose his license, just get demerit points. I have two trials tomorrow on traffic cases that will take all morning. I am wondering why the justice of the peace shouldn't hear these traffic cases but have more flexibility regarding penalties.

MR. TORVINEN: Do they have any other authority now other than recommending license be suspended? Is there any authority? No? Maybe that is what we need.

MR. BRYAN: There is one thing here we are missing the boat on completely In juvenile court the parent and child are both required to attend. I think this has great therapeutic value. If we change it, Junior can post bail and forfeit bail and the parents may never know anything about it. This could happen if we change the statute.

MR. REID: Do they insist the parent come in anyway?

MR. BRYAN: Yes. Special traffic matters are heard only with both of them there. I think this has tremendous impact and I am wondering if we should change it.

BILL MCDONALD: I am speaking of the inconvenience of having to pick up and go to the county seat when a judge happens to be there. If a man had to go with his son he could lose a day's work. The traffic police would know this and I think they would hesitate to give a ticket.

MR. BRYAN: If a man loses a day's work driving to traffic court with his boy, don't you think he is really going to crack down on that boy?

At this point, 4:35 P.M. Mr. Torvinin thanked all those who had come and adjourned the Hearing.