

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session  
March 26, 1969, Evening Meeting.

Meeting was called to order at 8:15 P.M. by Chairman Torvinen.

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

ABSENT: Swackhamer, Fry.

MR. TORVINEN: Mr. Close has given me an eviction bill which he would like us to introduce.

MR. REID: Let's go ahead and try to pass Helen Herr's bill. However, I move for committee introduction for BDR 3-1843. (A.B. 753)

If they bring this up to ten days, we don't even need this because you can get them out in 15 days.

SB 21: Regulates use and possession of drugs and narcotics and practice of pharmacy.

MR. BRYAN: What I still think we need is some distribution of these damn things.

MR. TORVINEN: Regulations are void unless filed with the Secretary of State. The Board of Pharmacy has to mail a copy to each district attorney and each sheriff, or else the law enforcement people would have to ask the Secretary of State for a copy.

MR. BRYAN: I want the guy out in the field to know what the situation is.

MR. TORVINEN: I don't believe we need AB 491.

MR. KEAN: Turn to page 4 of SB 21 to all that list of chemicals. We sell a great many of them.

MR. TORVINEN: All this means is that if you sell them at retail you must mark them as poisons.

The only thing I know to do is to write a letter to the Governor and tell him we have no acceptable list of dangerous drugs and we suggest he encourage the Board of Pharmacy to get this ready and give it to the Secretary of State who will mail a copy to every law enforcement head.

MR. KEAN: The things that are used to make speed with are not even on this list.

MR. LOWMAN: I suggest we wait until we have the Narcotics Bureau and then have them take this up with the Governor.

MR. REID: If what Roy said is true, don't you think we have a conflict here with the Administrative Procedures Act?

MR. TORVINEN: If there is a duplication, it will not hurt anything. It would help the district attorneys in their dealings with nonlawyer judges.

MR. REID: I move a Do Pass for AB 491, amending out everything except section 1 and lines 14, 15 and 16.

MR. LOWMAN: I second the motion.  
MOTION CARRIED UNANIMOUSLY.

AB 490: Enumerates dangerous drugs.

MR. KEAN: Would you like to take a big deep breath and go for what the Federal Registration has listed? The problem is mechanics. These lists are just not available to everybody.

MR. TORVINEN: They are available in the state Law Library. The difference between you from Las Vegas and me is that it will cost you \$2.00 to pick up the phone and I can do it for no extra. I never come down here. You can call and within two days you will have this information in your hands.

MR. KEAN: You can write Washington, D.C. and get your own list.

MR. BRYAN: There has got to be a better system than for the district attorney to call and ask if a certain drug is on the list. The D.A.'s do not prepare their cases as well as they could, anyway, because they just do not have the time.

MR. KEAN: As I study this list more carefully, I see it isn't bad. In fact it is pretty good.

MR. TORVINEN: We already have in 454 a section which says drugs listed in Federal Registration.

The Federal Food and Drug still decided whether medicine or drug can be used medically.

MR. BRYAN: 454.220 defines dangerous drugs.

MR. REID: You are saying that we do not need AB 490?

MR. TORVINEN: In my opinion we don't need it.

MR. LOWMAN: I move to Indefinitely Postpone AB 491.

MR. PRINCE: I second the motion.

MR. TORVINEN: (After study) 454.220 does not cover dangerous drugs.

MR. BRYAN: There is nothing in 454 to my knowledge that makes any reference to dangerous drugs.

The problem is you don't just pop into the Law Library and find out if a drug is dangerous when you have a guy that you are holding because of some drug.

MR. PRINCE: Would it be possible to get this list to all the district attorneys and sheriffs in the counties?

MR. KEAN: The man from D.C. said they would furnish them with a copy if we would furnish him with a mailing list.

MR. LOWMAN: I withdraw my motion.

MR. PRINCE: I withdraw my second.

MR. BRYAN: Dangerous drugs are not narcotics.

MR. TORVINEN: We can amend 490 to read "in addition to the definition of 454.220, dangerous drug means any drug listed or declared to be a dangerous drug by the Department of Justice, Bureau of Narcotics and Dangerous Drugs, Washington, D.C."

MR. LOWMAN: The problem is those bureaus change titles.

MR. BRYAN: As a lawyer, how do you prove the contents? You have the Federal Register. How do you get it in evidence?

MR. REID: Have the Pharmacy Resolution forward a copy of their Resolution adopting this list.

MR. KEAN: You can get on the phone and have the Federal send in some people.

MR. TORVINEN: You should be able to write to someone in Washington, D.C. and ask them to please send a Certified Copy.

MR. REID: Have the Governor get this Federal Register certified by the Board of Pharmacy. I think we are protected. The machinery is there.

MR. REID: I move Do Pass AB 490, with the amendment suggested by Mr. Torvinen.

MR. LOWMAN: I second the motion.  
MOTION CARRIED UNANIMOUSLY.

MR. KEAN: I am still going to hold out for the Bureau of Narcotics to be the ones to handle this.

SB 21: Regulates use and possession of drugs and narcotics and practice of pharmacy.

MR. REID: Why do we need that thing, too?

MR. TORVINEN: This is a narcotics bill and I want to get it out of here. Let's look at 639.100. It says no one shall manufacture these things unless they are a registered pharmacist.

MR. REID: This bill doesn't change much.

MR. KEAN: Let's look at 453.010.

MR. REID: This makes it more readable. It makes it a crime for anyone to sell drugs in violation of this statute.

MR. BRYAN: Look carefully at 433.210. These are the penalty sections that apply to all narcotic violations. They are adding a new subsection.

MR. TORVINEN: This just kind of cleans up and clarifies what we already have.

MR. REID: That's what I just said. This seems like a good bill.

I move Do Pass SB 21.

MR. SCHOUWEILER: I second the motion.  
MOTION CARRIED UNANIMOUSLY.

AB 290: Authorizes wrongful death action by surviving spouse of minor.

MR. TORVINEN: I gave you all copies of amendments to AB 290. This is back again for the fifth or sixth time. <sup>2 228</sup>

I have gone over these amendments. All this first language doesn't make sense except to amendments 1820. It takes out all of the bill except deleting old statute with the brackets.

We are taking the present law in that section and taking the "death" out and just leaving "injury." This is one of the insurance company bills that I think is a good bill.

120.90 deals with wrongful death. All we do there is put the child in and limit it to one action.

I have gone over this with Daykin, and as far as I can see, we have added on page 2 "when the death of any person, whether or not a minor." Only one action may be brought by the "heirs" in a wrongful death or injury.

In the event of an unemancipated minor with a child who is injured or killed, the minor has an ad litem guardian appointed for himself and then he sues for the child.

MR. REID: The bastard child would come under the guardian provision of this amendment.

I move Do Pass AB 290 with these amendments.

MR. LOWMAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

AB 384: Requires appointment of director of court services in certain judicial districts; requires director of court services to perform administrative duties in certain juvenile courts.

MR. BRYAN: Reid and I went over these amendments pretty carefully. This divides the counties into two sections. It designates chief of Juvenile Department as Director of Juvenile Services and makes him Chief Administrator. This will take the judge right out of it. He just acts as judge.

The other thing has to do with removal procedures by employees of the division.

MR. TORVINEN: Who is the boss?

MR. REID: County Commissioners - County Manager.

MR. LOWMAN: They are letting the Advisory Committee recommend.

MR. KEAN: How do you settle arguments between the judge and this administrator?

MR. LOWMAN: The judge is right out of it with this.

MR. REID: It defines the duties of the Department Head.

MR. BRYAN: He will be like any other department head and can be removed by the county commissioners. 2-229

If we pass this, we should indefinitely postpone AB 315.

MR. REID: I move Do Pass AB 384 with these amendments.

MR. LOWMAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

AB 315: Provides for removal of juvenile probation officers by probation committee.

MR. REID: I move to Indefinitely Postpone AB 315.

MR. BRYAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. BRYAN: Tomorrow at noon we are meeting with Mr. Swackhamer to get those amendments on exemptions.

MR. TORVINEN: The Senate passed the court study just as Daykin put it out. You all have it.

MR. BRYAN: Could you please give us one more day to study it?

SB 230: Clarifies responsibility of district attorneys in pursuing non-supporting parent.

MR. REID: You asked me to get an amendment to bring in on 425 and 126. I will go over these amendments, much as I would prefer to discuss Assembly Bills.

AB 97: Allows civil discovery of information relating to insurance policies.

MR. REID: I move to KILL AB 97.

MR. KEAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

ACR 32: Directs Legislative Commission to study juvenile court procedures.

MR. TORVINEN: I think this bill and ACR 45 are extremely critical. We should get them out and quickly.

MR. REID: We have with us one of the leading experts in the State on Juvenile Justice, Richard Bryan.

One of the studies on Model State Government was a study of the Uniform Juvenile Court Act. The Galt and Kent cases are in there. It would take a lot of study to adapt that to our local procedures. To study that Uniform Juvenile Act and whatever else Russ could come up with would be a good step in the right direction.

MR. BRYAN: Our present Act is really unusable. There is no sentencing procedure or anything. This would give the court some definitive guidelines and interrelationships for providing protective services. There are Federal Funds available for unified protective services. There does seem to be a great deal of overlapping between the State and the counties. We should make a determination of who handles what and how. There really is a problem there.

MR. REID: In addition to the criminal aspects, the agencies are <sup>2-</sup> 230 always struggling among themselves. They have different views which should be submitted for study.

I move Do Pass ACR 32.

MR. LOWMAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. BRYAN: This may need some overhauling.

MR. REID: Let's not amend it. It will delay it too much.

MR. TORVINEN: I appoint Mr. Bryan to go to Mrs. Frazzini and do all the things that should be done to help this Resolution on its way.

MR. KEAN: Do we have something good going on narcotics for the next two years so we will be ready for the next session?

MR. LOWMAN: No. We will have to have another bill.

MR. TORVINEN: Why don't we just direct the legislative counsel and narcotics to come back with some suggestions, if it passes?

MR. LOWMAN: Mr. McDonald said he would do this if we asked him to.

ACR 45: Directs Legislative Commission to study criminal justice.

MR. BRYAN: Do you want to delete (c)?

MR. TORVINEN: (c) is all right.

MR. LOWMAN: It seems to me that the importance of that thing, "culpability" might indicate that maybe we should talk about how we are going to get them investigated.

MR. REID: I move to delete lines 17 and 18, (e).

MR. BRYAN: I second the motion.

MOTION CARRIED WITH TORVINEN AND LOWMAN VOTING NO.

MR. REID: How are they going to study the impact of negotiated testimony?

MR. LOWMAN: Can't a district attorney testify to this without admitting that they do it?

MR. REID: Maybe we should have some different attorneys on it.

MR. BRYAN: I move to delete line 21, 2 (a).

MR. REID: I second the motion.

MOTION CARRIED WITH LOWMAN VOTING NO.

MR. BRYAN: How about 2 (b)?

MR. REID: It fits in with 1 (c).

I move we wipe out lines 22 and 23, 2 (b).

MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: Should we have juvenile study in here?



MR. BRYAN: The other is not exactly related to this. It was dependant and neglected child.

MR. REID: Let's change (c) out of section 1 to (f) in subsection 3. 2- 231

MR. KEAN: And include expungement of records. There is desirability and a need for expungement of records.

MR. REID: I move Do Pass ACR 45 with these amendments.

MR. LOWMAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

AB 525: Establishes periods during which probation violators may be held, without warrant.

MR. TORVINEN: Zel, before we get into this, would you go to Mrs. Frazzini and see what must be done to get ACR 45 going?

MR. SCHOUWEILER: AB 525, as I recall, is to conform to the parole section. Moves it over to probation.

MR. TORVINEN: How do you extradite a probation violator? You issue a warrant and deliver it to the Governor.

MR. REID: I move to Indefinitely Postpone AB 525.

MR. BRYAN: I second the motion.

MOTION CARRIED, WITH MR. LOWMAN VOTING NO.

MR. REID: I am opposed to this. I had one case where a mother doted on her son. She had him arrested three times that I know of.

AB 664: Permits district attorneys to cause summoning of grand jury.

MR. SCHOUWEILER: I move Indefinite Postponement for AB 664.

MR. REID: They will not give him a grand jury on 75 signatures. They have already turned down George Franklin on that. It should say upon showing good cause to the District Court. 75 voters is such a small number it doesn't mean anything.

MR. BRYAN: He wanted a grand jury to have the indictments for his case load.

MR. TORVINEN: Certain cases which he should take for preliminary hearing, anyway.

MR. BRYAN: 664 is replete with many dangers.

MR. REID: What if we say "upon showing good cause?"

MR. BRYAN: I can call Babcock and see what he thinks. I will do so first thing in the morning. I believe he wrote a decision when Franklin was turned down on the grand jury.

AB 386: Prohibits inquiries regarding arrests.

MR. REID: I move Do Pass on AB 386.

MR. SCHOUWEILER seconded the motion.

MOTION CARRIED, WITH MR. TORVINEN NOT VOTING.

AB 392: Requires preliminary hearings on certain insurance rate increases.

MR. REID: I move Do Pass AB 392.

MR. BRYAN: I second the motion.

ON THE VOTE THERE WERE FOUR AYES AND FOUR NOES.

AB 746: Provides for licensing and inspection of equipment and materials used in gambling.

MR. REID: I move Do Pass AB 746.

MR. LOWMAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

AB 737: Prohibits disconnection of utilities for eviction.

MR. BRYAN: I move Do Pass AB 737 with an amendment deleting word "gross" on line 5.

MR. REID: I second the motion.

MOTION FAILED, RECEIVING ONLY THREE AYES.

MR. LOWMAN: I move we adjourn.

MR. PRINCE: I second the motion

MOTION CARRIED.

Meeting was adjourned at 10:00 P.M.