

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session
March 7, 1969

2-40

Meeting was called to order at 2:40 P.M. by Chairman Torvinen.

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

ABSENT: Schouweiler

AB 218: Excludes from privileged communications information given to physician to obtain dangerous drug unlawfully.

AB 219: Permits probation for minor narcotic supplier on first offense.

MR. TORVINEN: I was instructed to keep the provisions in each of these bills. 453.180 deals with both in one paragraph and I could see I was going to have troubles trying to make two bills of it so I have put it all into 218.

MR. LOWMAN: 219 was pulled off the board this morning because we did not have severe enough punishment.

MR. BRYAN: I move the adoption of amendment 1598 to AB 218.
MR. REID: I second the motion.

MR. TORVINEN: This contains provisions which were in 220.

MR. BRYAN: I move we indefinitely postpone AB 220.
MR. SWACKHAMER: I second the motion.
MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: This is the time set for a hearing on AB 290, Mr. Swackhamer's bill. We have here to speak on this bill Mr. Phillip Hannifin and Mr. Carroll Nevin.

AB 390: Creating law enforcement assistance bureau.

MR. SWACKHAMER: The reason I have been interested in trying to do something to fight the crime wave is that Mr. Hilbrecht said considerable money was available from the Federal Government to help us if we get set up right. If we proceed with this, we will have a criminal division in the State. Mr. Hilbrecht, Mr. McDonald and myself met and drafted this. The Federal monies are available to cities and counties.

MR. NEVIN: In November of 1968, Governor Laxalt appointed a Commission on Crime, Delinquency and Corrections, naming 16 members. This was for the purpose of trying to qualify for the money that was available from the Federal Government. We formed our plan and sent it in and were awarded \$129,000 for planning purposes only.

About 40 to 43 percent must be assigned to the cities. We have used three planning districts. We used one by population. Clark County was one, Washoe County was another and the other 15 counties made up the third. We thought this was better than to break it up into such small amounts of money that we could not do anything much.

Clark County would get 56%, Washoe 24% and the other counties 20%.

These districts are now working on their plans, trying to find what their biggest problems are. When they finish we will appropriate this money to them.

MR. LOWMAN: Who is charged with the responsibility in these three districts?

MR. NEVIN: In Clark County we have the sheriff, chief of police, Mayor Gragson, Mr. Wilson and others.

The rest of the money being held for State Planning has been allocated, \$54,000 for Action Grants. This will be appropriated to the three districts in trying to reduce the crime problem.

Mr. Swackhamer mentioned large amounts of money. I don't like to break the balloon, but based on what they gave in 1967 - 1968 we may get \$125,000. We don't know what Congress will appropriate.

Each state was allocated \$100,000 and the money left was divided on the basis of population. We are fourth from the bottom in population. While there will be considerable, there will not be a lot of money. We will have enough to do some good. I think we can anticipate between \$100,000 and \$150,000. If the planning districts come up with some good plans and can show a real need, there is a 15% share of that fund they can use at their discretion. If we can show a real need, we may get more money than we expect.

Action Grants must be matched all the way through 60-40. Buildings are 50-50 and riot equipment 75-25. Through most of the Act matching funds are 60-40. The \$129,000 we received must be matched on a 9 to 10 basis.

MR. BRYAN: Can it be made up of "in kind services?"

MR. TORVINEN: 60 on the Federal level and 40 on the state.

MR. REID: Do they have these operations in other states?

MR. NEVIN: Yes, they do.

MR. REID: Do you know of any states with Crime Prevention Bureaus?

MR. NEVIN: California has this but they had a 10% cut in funds and now they are not going to be able to do the work for us that they have done in the past.

MR. HANNIFIN: At the Federal level there is a Crime Information System. It is soon going to be able to provide information very rapidly.

MR. REID: Why do we need this in Nevada?

MR. NEVIN: The main complaint from law enforcement officers all over the state is that they have no central bureau where they can get information. The CIA will only file on a felony case. If the sheriff makes a misdemeanor arrest and he wants to get information on the man he would have to call the sheriff's office and the police in all sixteen other counties.

The Attorney General's office receives statistical data requests and they can't furnish it.

MR. REID: I can see that with a limited police force in these districts it would be very helpful if they could call one central place.

MR. NEVIN: That is just the problem. There is no place that can be called.

MR. SWACKHAMER: This is a necessity in small counties. A serious problem is lack of training and no place to get it. If a guy can breathe and walk in and raise his right hand he will be sworn in just like that.

Two things intrigue me about this bill and the first is training. It will help pay for the training. It will pay 50% if we build a Police Academy. The second is that we can use it for giving raises to our police departments.

Sure, this thing will cost the State some money but so will anything else we do and we have got to do something.

MR. TORVINEN: Is there a line item budget on this?

MR. HENNIFIN: On a 60-40-basis (matching) I have roughly priced out what CII would cost. In 1969 \$201,966 and no provision for computer services. \$734,000 on 60-40 matching basis would mean the State would have to put up \$300,000 to \$350,000.

MR. KEAN: Page 6, line 24: We haven't got a Narcotics Division yet.

MR. TORVINEN: Page 2, line 44: This is what we are going to have to do. Let's have general comments first and then go through the bill section by section.

MR. HANNIFIN: It is desirable legislation. It provides for four divisions, three of which are not in some form or other taking place. They are the narcotics division, the criminal identification and investigation division, the peace officers standards and training division and the law enforcement planning division.

We must have something on narcotics. There was a 340% increase in narcotics in our state last year. They usually prosecute the man for burglary or something else because they can't get him with the narcotics laws at present. If I had to set a priority of one of these four functions I would take narcotics, but we really need all four.

MR. REID: If we are going with the narcotics bill, on that only, we must go with the other bill. You will have to have money, won't you?

MR. NEVIN: If you pass 390 I assume you will kill 205.

MR. TORVINEN: I was going to appoint a subcommittee to re-define 205 and 390 so so that 205 would become a subdivision of 390. It seems to me it is worth looking into.

MR. REID: I think you will ruin 390 if you do that.

MR. TORVINEN: If 390 fails, the Code of the Narcotics, his responsibility could be appointed by the Governor.

MR. SWACKHAMER: 390 is important, because if we don't have this crime thing the government will not put up the money. We should take advantage of that.

MR. TORVINEN: We will have to set up 390 so it will dove-tail with 205, just in case.

MR. HANNIFIN: Couldn't we add a statement at the end of 205 to be effective only if 390 fails?

MR. TORVINEN: No. There are things in both that we should retain.

MR. LOWMAN: If they both pass, we will have two bureaus.

MR. KEAN: We have to have it so will be able to salvage one or the other.

MR. TORVINEN: Mr. Hannifin said some of these things we already have. Do we have anything at all on criminal identification.

MR. HANNIFIN: No, nothing at all. You just to have to go to all the counties to get it.

MR. TORVINEN: Police training is under Carroll Nevin. Where is the money coming from for that? Can it be incorporated under this new money?

MR. NEVIN: The funds came one half from higher education fund and one half from the vocational training Act. These will end in July.

MR. LOWMAN: Are either of these budgeted in the Governor's Budget?

MR. NEVIN: No, it was not put in by the Attorney General.

MR. TORVINEN: Roy Young said there was some money in the Budget which could be used for this, didn't he?

MR. HANNIFIN: I heard that one item which was for \$34,000 had been cut to \$5,000 in the Senate. We have too many people doing too many things and no one knows just what is happening.

MR. TORVINEN: What if we do have these two bills and then don't have sufficient money, what would we do? We could have a Director and Narcotics Division anyway. What do you think of that?

MR. HANNIFIN: That would be my thinking. I would put narcotics first.

MR. BRYAN: How much is the line item budget?

MR. HANNIFIN: Nearly \$50,000. We are also quite concerned as well with the activities that Mr. Nevin is currently handling, the planning and the POST, which will mean that we will not get any Federal money. The POST is Peace Officers Standards and Training. If we lose the Federal money, the thing will be parceled out until it won't do much good.

MR. BRYAN: We should not be unmindful that appropriations for any of

of this will be hard to get.

MR. HANNIFIN: We could start the timing to go right here and now.

MR. LOWMAN: We cannot control the money committees so we should so organize these things that we at least keep one.

MR. SWACKHAMER: We should go with 390 but keep 205 in mind and see that it passes if we lose 390.

MR. TORVINEN: We will have to amend both of them, so that if both pass they will dove-tail together. If we lose 205 we will have those provisions we need.

MR. SWACKHAMER: Put those things in 390.

MR. HANNIFIN: The two could be put together. There are the same basic functions provided in 390 as in 205.

MR. SWACKHAMER: If 390 were to fail, shouldn't we get some language in 205 so we could get Federal funds? Let's cover all bases.

MR. KEAN: I move to adopt 205 into 390.

MR. TORVINEN: If we do that, we are going with one missile. If it gets killed, then where are we? Oh, I see what you mean, to beef up each bill so that either one would do the job.

MR. PRINCE: What are our chances of passing this through the Ways and Means Committee?

MR. SWACKHAMER: About 50-50. We have some things planned.

MR. REID: I second Mr. Kean's motion.

MR. NEVIN: The Federal Crime Bill sets up certain criteria for administration of any funds given the State by the Federal Government. The Commission must be under the Governor's control. It must be compatible with the entire Justice System. I wonder if these things are in 390. I don't believe they are.

MR. SWACKHAMER: We will see that it is before we get through with it.

MR. HANNIFIN: There is another conflict with 205 that could be major. There are two different sets of administration, one in each bill. That must be resolved.

MR. TORVINEN: That is exactly why I brought this up.

MR. KEAN: I make a new motion to redraft 390 and 205 so each can stand alone or together.

MR. NEVIN: Post is now under the Attorney General's office. Is that the way you have it?

MR. TORVINEN: It will be under the Governor instead of the Attorney General.

MR. REID: I second Mr. Kean's new motion.
MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: I hereby appoint Mr. Lowman, Mr. Swackhamer and Mr. Nevin and Mr. Hannifin, if they will, to get this job done.

This conference we just had should have been done about three weeks ago.

Now we will talk about the three-day waiting period for guns. Do our guests have any comment on that? (No).

AB 196: Provides penalty for failing to observe 3-day waiting period in purchase of firearms.

MR. REID: I move we have a public hearing on this next Wednesday.
MR. BRYAN: I second the motion.
MOTION CARRIED UNANIMOUSLY.

AB 399: Establishes guardianship procedures and designates duties of guardian.

MR. REID: I move Do Pass with all proposed amendments.

MR. BRYAN: I don't like the language in section 25, subsection 5, page 5.

MR. TORVINEN: I appoint you a committee of one to work out an amendment on the above over the week-end.

MR. REID: Do I understand this correctly? Is it corporations only that can act as nonresident guardian?

MR. BRYAN: A non-resident can serve as executor on the estate.

MR. TORVINEN: You might say nonresident cannot be guardian unless nominated by a qualified person in Nevada to be the guardian.

MR. BRYAN: (Read from the law on nonresident). Must associate as co-fiduciary in the State. Do you want to make it more certain and say "no banking or other corporation shall serve unless it associates as co-fiduciary."

MR. REID: I like that. I move that amendment.

MR. SWACKHAMER: I would like to interrupt this discussion briefly to give you the data that Stan Warren has which applies to 390 and 205. There is a teletype system that would be authorized in 390. This is presently being done in Nevada and if 390 passes we could just tie in with it. (Passed out drawings of this system to the committee).

MR. WARREN: Since this system is already in existence you do not need the section in 390 that provides for it to be set up. This comes from the Department of Motor Vehicles.

MR. REID: The system we have in 390: Do we have to go out and set this up some way? Couldn't we tie into yours?

MR. WARREN: That's the whole idea.

MR. SWACKHAMER: Whoever drafted this did not want to draft Bell of Nevada into a piece of legislation.

MR. TORVINEN: The teletype system right now is only for automobiles, but if we incorporate it into the crime bill, then we can tie in.

MR. REID: I move section be amended that nonresident can serve as guardian only when they associate with co-fiduciary in Nevada.

MR. BRYAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. REID: I move to amend change to 30 days after anniversary of appointment for filing of report.

MR. LOWMAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: It was suggested that we add the Prudent Man Standards in 164.050 to the statute, by inserting this provision between lines 44 and 45 in subsection 2, section 54, page 12.

MR. KEAN: I so move.

MR. TORVINEN at this point read the Prudent Man's Provision to the committee.

MR. REID: Sometimes people will be quite daring with someone else's money.

MR. TORVINEN: What this says is that if you would invest your own money, then if you do the same thing in your guardianship capacity you are off the hook.

MR. REID: Section 54, subsection 1 gives the guardian all the freedom he needs.

MR. BRYAN: I think that is ok.

I move on page 18, section 74, line 15 the figure \$100 be deleted and \$250 be put in its place.

MR. REID: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. KEAN: Page 20, line 29: I move word "device" be changed to "devise".

MR. BRYAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. KEAN: Page 23, line 19: I move \$5,000 be changed to \$3,000.

MR. BRYAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. BRYAN: Page 22, line 25: Question: When does a minor gain his majority. I move we make it "as fixed by the law of said minor's domicile".

MR. REID: On page 19 we need something that would allow an exchange of property.

MR. TORVINEN: That is already in there.

MR. REID: I move Do Pass AB 399 as amended.

MR. BRYAN: Page 24, section 94, line 1: Do we want that changed?

MR. TORVINEN: All of section 97 is a policy change. Judge Mann wasn't too red hot for it because it gave the guardian broad powers.

MR. REID: I move we delete section 97 in toto.

MR. BRYAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. KEAN: Do you want to keep 98?

MR. REID: 98 is ok.

MR. TORVINEN: Isn't there provision with an estate under \$1,000, that it can just be turned over? Yes.

MR. REID: Why section 90?

MR. BRYAN: I move Do Pass AB 399 with amendments.

MR. KEAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. SWACKHAMER: I move we adjourn.

MR. BRYAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

Meeting was adjourned at 4:20 P.M.

2-48

Justice Dept.
Hwy. Patrol
Status (NCTC)
1. LETS

