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Criminal Law; Tevelising, Broadcasting, Filminf of Judicial Proceedings

Noreen M. Evans

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24. Id. §12 ¶ 3.
25. Id. §12 ¶ 4. Chapter 422 does not specify how the contributory nature of the victim's conduct is to be determined.
26. Id. §13.
27. Id. §14 ¶ 1.
28. Id. §14 ¶ 2.
29. Id. §14 ¶ 3.
30. See generally, Harland, Compensating the Victims of Crime, 14 CRIM. L. BULL. 243 (1977) and Reno Gazette, Journal, July 22, 1979, at 33, col. 1 for analyses of restitution programs in other jurisdictions.

CRIMINAL LAW; TELEVISION, BROADCASTING,
FILMING OF JUDICIAL PROCEEDINGS

Repeals NRS 1.220, 178.604

AB 571 (coulter); STATS 1979, Ch 213

Chapter 213 repeals the statutory prohibitions against television in the courtroom. Prior law prohibited the taking of photographs in the courtroom¹ and the broadcasting or filming of court proceedings.² Chapter 213, by repealing these restrictions, appears to leave the matter to the court's discretion and the desire of the participants.³

Comment

Two major interests must be balanced in the controversy surrounding television in the courtroom: the public's right to know as protected by the first Amendment versus the defendant's right to a fair trial as protected by the Fifth and Fourteenth Amendment. In protecting the defendant's right to a fair trial, it must be determined if 1) the mere presence of the cameras will endanger due process of law, and 2) the publicity engendered by television broadcasts will deprive the defendant due process of law.

When the television cameras enter the courtroom, there may be a psychological effect upon the participant's in the trial.⁴ Attorneys may speak to the camera,

witnesses may become nervous and forget or embellish their testimony, jurors may pay more attention to the camera than to the proceedings, the judge's responsibilities may be increased.⁵ A study conducted by Short & Assoc., Inc., and McGeorge School of Law has shown that there is no perceptible effect upon any of these participants,⁶ but the debate continues.⁷

Furthermore, when television is allowed to broadcast post-arrest and pre-trial proceedings, it may so affect the population from which a jury would be selected as to impair the defendant's right to a fair trial.⁸ Television tends to dramatize and emphasize sensational trials, as well as spectacular aspects of trials.⁹ Publicity may induce the jury to decide the case as it thinks the public would decide.¹⁰ What is the full impact of this publicity upon the jurors? These questions also remain unresolved.

On the other hand, television has a unique opportunity to educate the general public regarding the workings of our judiciary—for many people television is the major, if not sole, source of information.¹¹ Television can promote a better judicial system by ensuring that trial participants live up to our standards of justice.¹²

Noreen M. Evans

FOOTNOTES

1. 1967 Nev. Stats. ch. 583 §383, at 1458 (NRS 178.604).
2. 1953 Nev. Stats. ch. 229 §1, at 307 (NRS 1.220).
3. See NRS 1.210 and Canon 3A(7) of NEVADA CODE OF JUDICIAL CONDUCT. See also, Graves, Cameras in the Courts: The Situation Today, 63 JUDICATURE (vol. 1) 24, 26 (June-July 1979).
4. See generally, Estes v. Texas, 381 U.S. 532 (1965) and Faltzer, Cameras in the Courtroom: The Kansas Opposition, 18 WASHBURN L.J. 230 (1979).
5. Id.
6. E.H. Short & Assoc., Inc. and McGeorge School of Law, Videotape Recording in the California Criminal Justice System, March 1975. See also, Short & Assoc.,

Inc., A Report to the Judicial Council on Videotape Recording in the California Criminal Justice System, Second Year Findings and Recommendation, 1976; Hanscom, Cameras in the Courtroom: A Challenge for California, 53 CALIF. ST. B. J. 226, 228 (1978).

7. Faltzer, Cameras in the Courtroom: The Kansas Opposition, supra note 4, at 232.
8. Rideau v. Louisiana, 373 U.S. 723, 726-727 (1963). See generally, Sheppard v. Maxwell, 384 U.S. 333 (1966).
9. See e.g., Sheppard v. Maxwell, 384 U.S. 333 (1966).
10. Block, Cameras and Courtrooms: The Denial of Due Process, 52 FLA. B. J. 454, 454 (1978); Faltzer, Cameras in the Courtroom: The Kansas Opposition, supra note 4, at 238.
11. Hanscom, Cameras in the Courtroom: A Challenge for California, supra note 6, at 226-227.
12. Id., at 228.

SEE GENERALLY:

- 1) Kielbowicz, The Story Behind the Adoption of the Ban on Courtroom Cameras, 63 JUDICATURE (vol. 1) 14 (June-July 1979).
- 2) Graham and Fretz, Cameras in the Courtroom: A Dialogue, 64 ABA J. 545 (1978).
- 3) Symposium, The Use of Videotape in the Courtroom, 1975 BRIGHAM YOUNG UNIV. L.R. (2) 327.
- 4) Douglas, The Public Trial and the Free Press, 33 ROCKY MT. L.R. 1 (1960-61).
- 5) Quiat, The Freedom of Pressure and the Explosive Canon 35, 33 ROCKY MT. L.R. 11 (1960-61).
- 6) For a discussion of Florida's one year experiment with cameras in the courtroom; see Petition of Post-Newsweek Station, 370 So.2d 764 (Fla. Sup. Ct. 1979); Aspen, Cameras in the Courtroom: The Florida Experiment, 67 Illinois B.J. 82 (1978); Kreeger, Cameras in the Courtroom, 52 FLA. B.J. 450 (1978); Whisenad, Florida's Experience with Cameras in the Courtroom, 64 ABA J. 1860 (1978).

DOMESTIC RELATIONS; PARENT AND CHILD RELATIONSHIP

Adds to NRS Chapters 41, 126, 127, 128

Amends NRS 41.220, 41.240, 56.020, 126.040, 126.050, 126.060,
126.070, 126.080, 126.190, 126.200, 126.210, 126.240, 126.250,
126.325, 126.330, 127.040, 127.070, 127.080, 127.140, 127.186,
128.095, 130. 245, 201.020, 201.025

Repeals NRS 41.530, 56.010, 126.010, 126.020, 126.090 to 126.110,
inclusive, 126.130 to 126.180, inclusive, 126.220, 126.230,
126.270 to 126.320, inclusive, 126.340, 126.350, 126.370, 126.380,
134.170, 134.180

SB 294 (Committee on Judiciary); STATS 1979, Ch 599

Chapter 599 (hereinafter "the parentage act") is similar to the Uniform Parentage Act,¹ but with additional provisions regarding parentage, support obligations, and adoptions.

THE PARENT AND CHILD RELATIONSHIP

NRS Chapter 126 is amended by the addition of provisions relating to parentage. The act provides that the parent and child relationship extends equally to every parent and child, regardless of the parent's marital status² and regardless when born.³ A "parent and child relationship" is defined as that which exists between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations (including both the mother and child relationship and the father and child relationship).⁴

Extending the parent and child relationship equally to all parents and children is an apparent effort to stop discrimination against children born out of wedlock.⁵ In areas such as wrongful death and inheritance, courts have already held discrimination against illegitimate children unconstitutional under the Equal Protection clause of the Fourteenth Amendment,⁶ and the Nevada Supreme Court has recognized that all children deserve proper care and protection.⁷

The parent and child relationship may be established under NRS 201.025,⁸ by