



Proposed Amendment to AB42

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

PURPOSE: To add language regarding the number of preemptory challenges, the minimum number of jurors, adding chief marshal to various sections regarding the jury deliberation room and jury summons process, amending the definition of domestic violence in NRS 202.360, and adding a section regarding the ability of a justice of the peace to direct jury summons county-wide.

AMENDMENT:

Sec. 3. NRS 175.021 is hereby amended to read as follows:

- 175.021 1. Trial juries for criminal actions are formed in the same manner as trial juries in civil actions.
2. Except as provided in subsection 3, juries must consist of 12 jurors, but at any time before verdict, the parties may stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than six.
3. Juries must consist *of a minimum of* six jurors for the trial of a criminal action in a ~~[Justice Court.]~~ *justice court or municipal court.*

Sec. 4. NRS 175.051 is hereby amended to read as follows:

- 175.051 1. If the offense charged is punishable by death or by imprisonment for life, each side is entitled to eight preemptory challenges.
2. ~~If the offense charged is punishable by imprisonment for any other term or by fine or by both fine and imprisonment, each side is entitled to four preemptory challenges.~~ *If the offense charged is a gross misdemeanor or felony except those encompassed in section 1, each side is entitled to four preemptory challenges.*
3. *If the offense charged is a misdemeanor, each side is entitled to two preemptory*

challenges.

4. The ~~{State}~~ *prosecuting attorney* and the defendant shall exercise their challenges alternately, in that order. Any challenge not exercised in its proper order is waived.

Sec. 6. NRS 175.421 is hereby amended to read as follows:

175.421 A room ~~{shall}~~ *must* be provided by the sheriff of each county, *the chief of police of each city or chief marshal, as applicable*, for the use of the jury upon their retirement for deliberation, with suitable furniture, fuel, lights and stationery, unless such necessities have been already furnished by the county ~~{}~~ *or city*. The court may order the sheriff, *chief of police or chief marshal* to do so, and the expenses incurred by the sheriff, *chief of police or chief marshal* in carrying the order into effect, when certified by the court, ~~{shall be}~~ *are* a county *or city* charge.

Sec. 10. NRS 6.090 is hereby amended to read as follows:

6.090 1. Whenever trial jurors are selected by a jury commissioner, the ~~{district}~~ judge may direct the jury commissioner to summon and assign to that court the number of qualified jurors the jury commissioner determines to be necessary for the formation of the petit jury. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists have been established by the jury commissioner.

2. Every person named in the venire must be served by the sheriff, *the chief of police, or chief marshal as applicable*, personally or by the sheriff, *the chief of police or chief marshal* or the jury commissioner by mailing a summons to the person, commanding the person to attend as a juror at a time and place designated therein. Mileage is allowed only for personal service. The postage must be paid by the sheriff, *the chief of police or chief marshal* or the jury commissioner, as the case may be, and allowed him or her as other claims against the county ~~{}~~ *or city*. The sheriff, *the chief of police or chief marshal* shall make return of the venire at least the day before the day named for their appearance, after which the venire is subject to inspection by any officer or attorney of the court.

Sec. 13. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

- (a) Has been convicted ~~{in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);}~~ *of a battery which constitutes domestic violence pursuant to NRS 33.018 or a law of any other state jurisdiction that prohibits the same or substantially similar conduct, only upon or against:*
- i. The person's spouse or former spouse,*
 - ii. Any other person with whom the person has had or is having a dating relationship, as defined in NRS 33.018(3),*
 - iii. Any other person with whom the person has a child in common, or*
 - iv. The child or parent of one another.*

NEW SECTION:

NRS 67.010 Summoning of jury.

1. The jury must be summoned upon an order of the justice from, ~~except as otherwise provided in subsection 2,~~ the qualified electors *of the county*, whether or not registered as voters, ~~of the city, precinct or township~~, and not from the bystanders, *the number of qualified jurors which the justice determines is necessary for the formation of a jury.*

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