

Amendment No. 98

Senate Amendment to Senate Bill No. 55	(BDR 1-432)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 55.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added 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 proposed to be retained in this amendment.



SENATE BILL NO. 55—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to courts. (BDR 1-432)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to courts; ~~revising the days that justice and municipal courts are open;~~ revising provisions governing the clerks of a justice court; ~~establishing fees for a justice court to charge and collect for certain services;~~ revising provisions relating to the jurisdiction of justice courts in criminal cases; revising the amount of credit a court must provide for community service; repealing obsolete provisions relating to the successors of a justice of the peace; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Existing law prohibits courts, other than justice courts and municipal courts, from being opened or transacting judicial business on a Sunday or a legal holiday, except for certain purposes. (NRS 1.130) Section 1 of this bill extends this prohibition to justice and municipal courts.~~

~~Existing law requires each justice of the peace to charge and collect fees for various actions, proceedings and rulings in the justice court. (NRS 4.060) Section 3 of this bill requires a justice court to charge and collect a fee for: (1) searching in an electronic case management system in the amount of \$5 for each search term; and (2) redacting personal identifying information from certain records, proceedings or papers in the amount of \$1 for each page requiring redaction.~~

Existing law provides for the appointment of a deputy clerk for the justice court who, under the supervision of the justice of the peace, performs clerical functions for the justice court. Existing law requires the deputy clerk to: (1) take the constitutional oath of office; and (2) give an official bond. Existing law also provides that the county clerk is not personally liable on his or her bond or otherwise for the acts of a deputy clerk. (NRS 4.350) **Section 4** of this bill: (1) changes the title of the position of “deputy clerk” for the justice court to “clerk of the court”; and (2) revises the manner in which such a clerk is appointed. **Section 4** also removes the requirement that such a clerk take an oath of office or give an official bond. Finally, **section 4** removes provisions limiting the liability of the county clerk for the acts of a clerk of the court. **Sections 2, 7 and 9-12** of this bill make conforming changes related to the change in title.

With certain exceptions, existing law provides that, in criminal cases, the jurisdiction of a justice of the peace extends to the limit of the county line of the county of the justice of the peace. (NRS 4.370) **Section 5** of this bill removes one such exception, which extends the

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25 jurisdiction of a justice of the peace in the case of an arrest made by a member of the Nevada
26 Highway Patrol.

27 Existing law authorizes a justice court to transfer a criminal case to another justice court
28 in this State in certain circumstances, if: (1) the case involves criminal conduct that occurred
29 outside the county or township where the court is located, and the defendant has appeared
30 before a magistrate; (2) the transfer is necessary to promote access to justice for the defendant;
31 or (3) the defendant agrees to participate in a program of treatment. (NRS 4.3713) **Section 6**
32 of this bill removes the requirement that a defendant must have appeared before a magistrate
33 in order to transfer a case that involves criminal conduct that occurred outside a county or
34 township where the court is located. **Section 6** also authorizes a justice court to transfer a case
35 if all of the justices of the peace in the court have either recused themselves or been
36 disqualified from presiding over the case. Finally, **section 6** removes a prohibition against
37 transferring certain cases until a plea agreement has been reached or the court has made a final
38 disposition.

39 Existing law authorizes a court, under certain circumstances, to order a convicted person
40 to perform community service in lieu of all or a part of any fine, administrative assessment,
41 fee or imprisonment that may be imposed for the commission of a misdemeanor. Existing law
42 requires a court that ordered a convicted person to perform community service to provide a
43 credit of \$10 or the amount of the state minimum wage if health insurance is not offered,
44 whichever is greater, toward the payment of any fine that was imposed against the person for
45 the commission of the offense for which the person was ordered to perform community
46 service. (NRS 176.087) **Section 8** of this bill revises this requirement by requiring a court to
47 provide a credit of not less than the state minimum wage ~~if health insurance is not offered~~
48 toward the payment of a fine.

49 **Section 13** of this bill removes certain obsolete provisions of law relating to successors of
50 a justice of the peace. (NRS 4.290, 4.300)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** ~~NRS 1.130 is hereby amended to read as follows:~~

2 ~~1.130 1. No court [except a justice court or a municipal court shall be~~
3 ~~opened nor shall] *may be open or transact* any judicial business [be transacted~~
4 ~~except by a justice court or municipal court] on Sunday [,] or on any day declared~~
5 ~~to be a legal holiday according to the provisions of NRS 236.015, except for the~~
6 ~~following purposes:~~

7 ~~(a) To give, upon their request, instructions to a jury then deliberating on their~~
8 ~~verdict.~~

9 ~~(b) To receive a verdict or discharge a jury.~~

10 ~~(c) For the exercise of the power of a magistrate in a criminal action or in a~~
11 ~~proceeding of a criminal nature.~~

12 ~~(d) To receive communications by telephone and for the issuance of:~~

13 ~~(1) A temporary order pursuant to subsection 8 of NRS 33.020; or~~

14 ~~(2) An emergency order for protection against high risk behavior pursuant~~
15 ~~to NRS 33.570.~~

16 ~~(e) For the [issue] *issuance* of a writ of attachment, which may be issued on~~
17 ~~each and all of the days above enumerated upon the plaintiff, or some person on~~
18 ~~behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the~~
19 ~~writ the additional averment as follows:~~

20
21 ~~That the affiant has good reason to believe, and does believe, that it will~~
22 ~~be too late for the purpose of acquiring a lien by the writ to wait until~~
23 ~~subsequent day for the issuance of the same.~~

~~All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.~~

~~2. Nothing herein contained shall affect private transactions of any nature whatsoever.] (Deleted by amendment.)~~

Sec. 2. NRS 1.170 is hereby amended to read as follows:

1.170 The clerk of each court, or the:

1. Deputy clerk;

2. Justice of the peace if a ~~[deputy]~~ clerk *of the court* has not been appointed for the justice court; or

3. Judge of a municipal court designated as a court of record pursuant to NRS 5.010 if a deputy clerk has not been appointed for that court,
 shall keep the seal of the court.

Sec. 3. ~~NRS 4.060 is hereby amended to read as follows:~~

~~4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice [of the peace] court shall charge and collect the following fees:~~

~~(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:~~

If the sum claimed does not exceed \$2,500	\$50.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000	\$100.00
If the sum claimed exceeds \$5,000 but does not exceed \$10,000	175.00
If the sum claimed exceeds \$10,000 but does not exceed \$15,000	250.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to surrender has been served pursuant to NRS 40.255	225.00
In all other civil actions	50.00

~~(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:~~

If the sum claimed does not exceed \$1,000	\$45.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500	65.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000	85.00
If the sum claimed exceeds \$5,000 but does not exceed \$7,500	125.00
If the sum claimed exceeds \$7,500 but does not exceed \$10,000	175.00

~~(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:~~

In all civil actions	\$50.00
For every additional defendant, appearing separately	25.00

1	— (d) No fee may be charged where a defendant or defendants appear in response	
2	to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.	
3	— (e) For the filing of any paper in intervention	\$25.00
4	— (f) For the issuance of any writ of attachment, writ of	
5	garnishment, writ of execution or any other writ designed to	
6	enforce any judgment of the court, other than a writ of restitution	\$25.00
7	— (g) For the issuance of any writ of restitution	\$75.00
8	— (h) For filing a notice of appeal, and appeal bonds	\$25.00
9	— One charge only may be made if both papers are filed at the same time.	
10	— (i) For issuing supersedeas to a writ designed to enforce a	
11	judgment or order of the court	\$25.00
12	— (j) For preparation and transmittal of transcript and papers on	
13	appeal	\$25.00
14	— (k) For celebrating a marriage and returning the certificate to	
15	the county recorder or county clerk	\$75.00
16	— (l) For entering judgment by confession	\$50.00
17	— (m) For preparing any copy of any record, proceeding or paper,	
18	for each page	\$.50
19	— (n) For each certificate of the clerk, under the seal of the court	\$3.00
20	— (o) For searching <i>physical</i> records or files, [in his or her	
21	office,] for each year	\$1.00
22	— (p) <i>For searching in an electronic case management system,</i>	
23	<i>for each search term</i>	\$5.00
24	— (q) For filing and acting upon each bail or property bond	\$50.00
25	— (r) <i>For redacting personal identifying information required</i>	
26	<i>before the dissemination of a copy of any record, proceeding</i>	
27	<i>or paper, for each page requiring redaction</i>	\$1.00
28	2. A justice [of the peace] court shall not charge or collect any of the fees set	
29	forth in subsection 1 for any service rendered by the justice of the peace to the	
30	county in which his or her township is located.	
31	3. A justice [of the peace] court shall not charge or collect the fee pursuant to	
32	paragraph (k) of subsection 1 if the justice of the peace performs a marriage	
33	ceremony in a commissioner township.	
34	4. Except as otherwise provided by an ordinance adopted pursuant to the	
35	provisions of NRS 244.207, the justice [of the peace] court shall, on or before the	
36	fifth day of each month, account for and pay to the county treasurer all fees	
37	collected pursuant to subsection 1 during the preceding month, except for the fees	
38	the justice of the peace may retain as compensation and the fees the justice [of the	
39	peace] court is required to pay to the State Controller pursuant to subsection 5.	
40	5. The justice [of the peace] court shall, on or before the fifth day of each	
41	month, pay to the State Controller:	
42	— (a) An amount equal to \$5 of each fee collected pursuant to paragraph (k) of	
43	subsection 1 during the preceding month. The State Controller shall deposit the	
44	money in the Account for Aid for Victims of Domestic or Sexual Violence in the	
45	State General Fund.	
46	— (b) One half of the fees collected pursuant to paragraph [(p)] (g) of subsection	
47	1 during the preceding month. The State Controller shall deposit the money in the	
48	Fund for the Compensation of Victims of Crime.	
49	6. Except as otherwise provided in subsection 7, the county treasurer shall	
50	deposit 25 percent of the fees received pursuant to subsection 4 into a special	
51	account administered by the county and maintained for the benefit of each justice	
52	court within the county. The money in that account must be used only to:	

~~1 (a) Acquire land on which to construct additional facilities or a portion of a
2 facility for a justice court or a multi-use facility that includes a justice court;~~

~~3 (b) Construct or acquire additional facilities or a portion of a facility for a
4 justice court or a multi-use facility that includes a justice court;~~

~~5 (c) Renovate, remodel or expand existing facilities or a portion of an existing
6 facility for a justice court or a multi-use facility that includes a justice court;~~

~~7 (d) Acquire furniture, fixtures and equipment necessitated by the construction
8 or acquisition of additional facilities or a portion of a facility or the renovation,
9 remodeling or expansion of an existing facility or a portion of an existing facility
10 for a justice court or a multi-use facility that includes a justice court;~~

~~11 (e) Acquire advanced technology for the use of a justice court;~~

~~12 (f) Acquire equipment or additional staff to enhance the security of the
13 facilities used by a justice court, justices of the peace, staff of a justice court and
14 residents of this State who access the justice courts;~~

~~15 (g) Pay for the training of staff or the hiring of additional staff to support the
16 operation of a justice court;~~

~~17 (h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS
18 350.020 for the acquisition of land or facilities or for the construction, renovation,
19 remodeling or expansion of facilities for a justice court or a multi-use facility that
20 includes a justice court; and~~

~~21 (i) Pay for one-time projects for the improvement of a justice court.~~

~~22 Any money remaining in the account at the end of a fiscal year must be carried
23 forward to the next fiscal year.~~

~~24 7. The county treasurer shall, if necessary, reduce on an annual basis the
25 amount deposited into the special account pursuant to subsection 6 to ensure that
26 the total amount of fees collected by a justice court pursuant to this section and paid
27 by the justice [of the peace] court to the county treasurer pursuant to subsection 4
28 is, for any fiscal year, not less than the total amount of fees collected by that justice
29 court and paid by the justice [of the peace] court to the county treasurer for the
30 fiscal year beginning July 1, 2012, and ending June 30, 2013.~~

~~31 8. Each justice court that collects fees pursuant to this section shall submit to
32 the board of county commissioners of the county in which the justice court is
33 located an annual report that contains:~~

~~34 (a) An estimate of the amount of money that the county treasurer will deposit
35 into the special account pursuant to subsection 6 from fees collected by the justice
36 court for the following fiscal year; and~~

~~37 (b) A proposal for any expenditures by the justice court from the special
38 account for the following fiscal year.] (Deleted by amendment.)~~

Sec. 4. NRS 4.350 is hereby amended to read as follows:

~~40 4.350 1. [Except as otherwise provided in subsection 5, the county clerk,
41 with the approval of the board of county commissioners and the justice of the
42 peace, may appoint a deputy clerk for the justice court.] *The justices of the peace
43 of each justice court where there is more than one justice of the peace shall
44 appoint a clerk of the court, who may also be known as the justice court
45 administrator. In a justice court where there is only one justice of the peace, the
46 justice of the peace shall be deemed to be the clerk of the court unless the justice
47 of the peace appoints another person as the clerk of the court.*~~

~~48 2. The compensation of a clerk so appointed must be fixed by the board of
49 county commissioners.~~

~~50 [2. The deputy clerk shall take the constitutional oath of office and give bond
51 in the sum of \$2,000 for the faithful discharge of the duties of the office, and in the
52 same manner as is required of other officers of the township and county. The~~

1 ~~county clerk is not personally liable, on his or her official bond or otherwise, for the~~
2 ~~acts of a deputy clerk appointed pursuant to this section.]~~

3 3. The ~~[deputy]~~ clerk of the court may, under the direct supervision of the
4 justice of the peace, administer oaths, take and certify affidavits and
5 acknowledgments, issue process, enter suits on the docket, and do all clerical work
6 in connection with the keeping of the records, files and dockets of the court, and
7 shall perform any other duties in connection with the office as the justice of the
8 peace prescribes.

9 ~~[4. Except as otherwise provided in subsection 5, where there is more than~~
10 ~~one justice of the peace serving in any township, the county clerk may, with the~~
11 ~~approval of the board of county commissioners and the justices of the peace,~~
12 ~~appoint a second deputy who shall comply with the requirements of subsection 2~~
13 ~~and has the powers and duties prescribed in subsection 3.]~~

14 ~~— 5. In a county whose population is 700,000 or more, the board of county~~
15 ~~commissioners, with the approval of the justice of the peace, may appoint a deputy~~
16 ~~clerk for a justice court. If there is more than one justice of the peace serving in any~~
17 ~~township, the board, with the approval of the justices of the peace, may appoint one~~
18 ~~or more additional deputy clerks.~~

19 ~~— 6. If no deputy clerk is appointed for a township, the justice of the peace shall~~
20 ~~be deemed to be the clerk of the court and may appoint as many deputy clerks for~~
21 ~~the justice court as the justice of the peace determines necessary.]~~

22 **Sec. 5.** NRS 4.370 is hereby amended to read as follows:

23 4.370 1. Except as otherwise provided in subsection 2, justice courts have
24 jurisdiction of the following civil actions and proceedings and no others except as
25 otherwise provided by specific statute:

26 (a) In actions arising on contract for the recovery of money only, if the sum
27 claimed, exclusive of interest, does not exceed \$15,000.

28 (b) In actions for damages for injury to the person, or for taking, detaining or
29 injuring personal property, or for injury to real property where no issue is raised by
30 the verified answer of the defendant involving the title to or boundaries of the real
31 property, if the damage claimed does not exceed \$15,000.

32 (c) Except as otherwise provided in paragraph (1), in actions for a fine, penalty
33 or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county,
34 city or town, where no issue is raised by the answer involving the legality of any
35 tax, impost, assessment, toll or municipal fine.

36 (d) In actions upon bonds or undertakings conditioned for the payment of
37 money, if the sum claimed does not exceed \$15,000, though the penalty may
38 exceed that sum. Bail bonds and other undertakings posted in criminal matters may
39 be forfeited regardless of amount.

40 (e) In actions to recover the possession of personal property, if the value of the
41 property does not exceed \$15,000.

42 (f) To take and enter judgment on the confession of a defendant, when the
43 amount confessed, exclusive of interest, does not exceed \$15,000.

44 (g) Of actions for the possession of lands and tenements where the relation of
45 landlord and tenant exists, when damages claimed do not exceed \$15,000 or when
46 no damages are claimed.

47 (h) Of actions when the possession of lands and tenements has been unlawfully
48 or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000
49 or when no damages are claimed.

50 (i) Of suits for the collection of taxes, where the amount of the tax sued for
51 does not exceed \$15,000.

52 (j) Of actions for the enforcement of mechanics' liens, where the amount of the
53 lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

1 (k) Of actions for the enforcement of liens of owners of facilities for storage,
2 where the amount of the lien sought to be enforced, exclusive of interest, does not
3 exceed \$15,000.

4 (l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

5 (m) Except as otherwise provided in this paragraph, in any action for the
6 issuance of a temporary or extended order for protection against domestic violence
7 pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for
8 the issuance of a temporary or extended order for protection against domestic
9 violence:

10 (1) In a county whose population is 100,000 or more and less than
11 700,000;

12 (2) In any township whose population is 100,000 or more located within a
13 county whose population is 700,000 or more;

14 (3) If a district court issues a written order to the justice court requiring that
15 further proceedings relating to the action for the issuance of the order for protection
16 be conducted before the district court; or

17 (4) Where the adverse party against whom the order is sought is under 18
18 years of age.

19 (n) Except as otherwise provided in this paragraph, in any action for the
20 issuance of an emergency or extended order for protection against high-risk
21 behavior pursuant to NRS 33.570 or 33.580. A justice court does not have
22 jurisdiction in an action for the issuance of an emergency or extended order for
23 protection against high-risk behavior:

24 (1) In a county whose population is 100,000 or more but less than 700,000;

25 (2) In any township whose population is 100,000 or more located within a
26 county whose population is 700,000 or more;

27 (3) If a district court issues a written order to the justice court requiring that
28 further proceedings relating to the action for the issuance of the order for protection
29 be conducted before the district court; or

30 (4) Where the adverse party against whom the order is sought is under 18
31 years of age.

32 (o) In an action for the issuance of a temporary or extended order for protection
33 against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive,
34 where the adverse party against whom the order is sought is 18 years of age or
35 older.

36 (p) In small claims actions under the provisions of chapter 73 of NRS.

37 (q) In actions to contest the validity of liens on mobile homes or manufactured
38 homes.

39 (r) In any action pursuant to NRS 200.591 for the issuance of a protective order
40 against a person alleged to be committing the crime of stalking, aggravated stalking
41 or harassment where the adverse party against whom the order is sought is 18 years
42 of age or older.

43 (s) In any action pursuant to NRS 200.378 for the issuance of a protective
44 order against a person alleged to have committed the crime of sexual assault where
45 the adverse party against whom the order is sought is 18 years of age or older.

46 (t) In actions transferred from the district court pursuant to NRS 3.221.

47 (u) In any action for the issuance of a temporary or extended order pursuant to
48 NRS 33.400.

49 (v) In any action seeking an order pursuant to NRS 441A.195.

50 (w) In any action to determine whether a person has committed a civil
51 infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

1 2. The jurisdiction conferred by this section does not extend to civil actions,
2 other than for forcible entry or detainer, in which the title of real property or mining
3 claims or questions affecting the boundaries of land are involved.

4 3. Justice courts have jurisdiction of all misdemeanors and no other criminal
5 offenses except as otherwise provided by specific statute. Upon approval of the
6 district court, a justice court may transfer original jurisdiction of a misdemeanor to
7 the district court for the purpose of assigning an offender to a program established
8 pursuant to NRS 176A.250 or, if the justice court has not established a program
9 pursuant to NRS 176A.280, to a program established pursuant to that section.

10 4. Except as otherwise provided in subsections 5 ~~{}~~ and 6 , ~~{and 7,}~~ in
11 criminal cases the jurisdiction of justices of the peace extends to the limits of their
12 respective counties.

13 5. A justice of the peace may conduct a pretrial release hearing for a person
14 located outside of the township of the justice of the peace.

15 6. ~~{In the case of any arrest made by a member of the Nevada Highway
16 Patrol, the jurisdiction of the justices of the peace extends to the limits of their
17 respective counties and to the limits of all counties which have common boundaries
18 with their respective counties.~~

19 ~~—7.}~~ Each justice court has jurisdiction of any violation of a regulation
20 governing vehicular traffic on an airport within the township in which the court is
21 established.

22 **Sec. 6.** NRS 4.3713 is hereby amended to read as follows:

23 4.3713 1. A justice court may, on its own motion, transfer original
24 jurisdiction of a criminal case filed with that court to another justice court or a
25 municipal court if:

26 (a) The case involves criminal conduct that occurred outside the limits of the
27 county or township where the court is located ; ~~{and the defendant has appeared
28 before a magistrate pursuant to NRS 171.178;}~~

29 (b) Such a transfer is necessary to promote access to justice for the defendant
30 and the justice court has noted its findings concerning that issue in the record; ~~{or}~~

31 (c) The defendant agrees to participate in a program of treatment, including,
32 without limitation, a program of treatment made available pursuant to NRS
33 176A.230, 176A.250 or 176A.280, or to access other services located elsewhere in
34 this State ~~{}~~; or

35 (d) *All the justices of the peace in the justice court have either recused
36 themselves or been disqualified from presiding over the case.*

37 2. A justice court may not issue an order for the transfer of a case pursuant to
38 paragraph ~~{(b) or}~~ (c) of subsection 1 until a plea agreement has been reached or the
39 final disposition of the case, whichever occurs first.

40 3. An order issued by a justice court which transfers a case pursuant to this
41 section becomes effective after a notice of acceptance is returned by the justice
42 court or municipal court to which the case was transferred. If a justice court or
43 municipal court refuses to accept the transfer of a case pursuant to subsection 1, the
44 case must be returned to the justice court which sought the transfer.

45 **Sec. 7.** NRS 6.160 is hereby amended to read as follows:

46 6.160 The clerk of the court in cases in the district court and ~~{the deputy clerk
47 of the}~~ justice court ~~{in cases in the justice court}~~ shall keep a payroll, enrolling
48 thereon the names of all jurors, the number of days in attendance and the actual
49 number of miles traveled by the shortest and most practical route in going to and
50 returning from the place where the court is held, and at the conclusion of a trial
51 may:

52 1. Give a statement of the amounts due to the jurors to the county auditor,
53 who shall draw warrants upon the county treasurer for the payment thereof; or

1 2. Make an immediate payment in cash of the amount owing to each juror.

2 ↳ These payments must be made from and to the extent allowed by the fees
3 collected from the demanding party, pursuant to the provisions of NRS 6.150, and
4 from and to the extent allowed by any other fees which have been collected
5 pursuant to law. The clerk shall obtain from each juror so paid a receipt signed by
6 him or her and indicating the date of payment, the date of service and the amount
7 paid. A duplicate of this receipt must be immediately delivered to the appropriate
8 county auditor, county recorder or county comptroller.

9 **Sec. 8.** NRS 176.087 is hereby amended to read as follows:

10 176.087 1. Except where the imposition of a specific criminal penalty is
11 mandatory, a court may order a convicted person to perform supervised community
12 service:

13 (a) In lieu of all or a part of any fine, administrative assessment, fee or
14 imprisonment that may be imposed for the commission of a misdemeanor; or

15 (b) As a condition of probation granted for another offense.

16 2. The community service must be performed for and under the supervising
17 authority of a county, city, town or other political subdivision or agency of the State
18 of Nevada or a charitable organization that renders service to the community or its
19 residents.

20 3. The court may require the convicted person to deposit with the court a
21 reasonable sum of money to pay for the cost of policies of insurance against
22 liability for personal injury and damage to property or for industrial insurance, or
23 both, during those periods in which the person performs the community service,
24 unless, in the case of industrial insurance, it is provided by the authority for which
25 the person performs the community service.

26 4. The following conditions apply to any such community service imposed by
27 the court:

28 (a) The court must fix the period of community service that is imposed as
29 punishment or a condition of probation and distribute the period over weekends or
30 over other appropriate times that will allow the convicted person to continue
31 employment and to care for the person's family. The period of community service
32 fixed by the court must not exceed, for a:

33 (1) Misdemeanor, 200 hours;

34 (2) Gross misdemeanor, 600 hours; or

35 (3) Felony, 1,000 hours.

36 (b) A supervising authority listed in subsection 2 must agree to accept the
37 convicted person for community service before the court may require the convicted
38 person to perform community service for that supervising authority. The
39 supervising authority must be located in or be the town or city of the convicted
40 person's residence or, if that placement is not possible, one located within the
41 jurisdiction of the court or, if that placement is not possible, the authority may be
42 located outside the jurisdiction of the court.

43 (c) Community service that a court requires pursuant to this section must be
44 supervised by an official of the supervising authority or by a person designated by
45 the authority.

46 (d) The court may require the supervising authority to report periodically to the
47 court or to a probation officer the convicted person's performance in carrying out
48 the punishment or condition of probation.

49 5. For each hour of community service that is performed by a person pursuant
50 to this section, the court must provide a credit of ~~[\$10 or]~~ **not less than** the amount
51 of the state minimum wage ~~[if health insurance is not offered, whichever is~~
52 ~~greater.]~~ toward the payment of any fine that was imposed against the person for

1 the commission of the offense for which the person was ordered to perform
2 community service.

3 **Sec. 9.** NRS 178.544 is hereby amended to read as follows:

4 178.544 1. Whenever a person is admitted to bail in a Justice Court and the
5 bail is put in by a written undertaking, the ~~{deputy}~~ clerk of the Justice Court shall
6 record:

- 7 (a) The name of the defendant;
- 8 (b) The names of the sureties;
- 9 (c) The amount of the bond;
- 10 (d) The name of the court;
- 11 (e) The number of the case; and
- 12 (f) Such other information as is reasonably necessary to complete the record.

13 2. When the bond is exonerated or forfeited, the ~~{deputy}~~ clerk of the Justice
14 Court shall record:

- 15 (a) The date of the exoneration or forfeiture;
- 16 (b) The book and page of the minute order declaring the exoneration or
17 forfeiture; and
- 18 (c) The date of notice to the district attorney of any forfeiture of the bond.

19 **Sec. 10.** NRS 178.548 is hereby amended to read as follows:

20 178.548 The county clerk, the ~~{deputy}~~ clerk of the justice court, or the Clerk
21 of the Supreme Court shall notify the district attorney of the appropriate county, in
22 writing, promptly upon the receipt of information indicating that a bail bond has
23 been forfeited.

24 **Sec. 11.** NRS 178.606 is hereby amended to read as follows:

25 178.606 A docket must be kept by the ~~{deputy}~~ clerk of the justice court, in
26 which the ~~{deputy}~~ clerk shall enter each action ~~{}~~ and the minutes of the
27 proceedings of the court therein.

28 **Sec. 12.** NRS 239.110 is hereby amended to read as follows:

29 239.110 1. In addition to any other requirement of this section, the Clerk of
30 the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk
31 of a district court, a deputy clerk of a district court, a ~~{deputy}~~ clerk of a justice
32 court or a clerk of a municipal court may destroy a court record only in accordance
33 with a schedule for the retention and disposition of court records which is approved
34 by the Supreme Court.

35 2. The Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a
36 county clerk, the clerk of a district court or a deputy clerk of a district court who
37 destroys a court record pursuant to this section may do so only if an image of the
38 court record has been placed on microfilm or has been saved in an electronic
39 recordkeeping system which permits the retrieval of the information contained in
40 the court record and the reproduction of the court record.

41 3. Except as otherwise prohibited by law, a ~~{deputy}~~ clerk of a justice court or
42 ~~{a clerk of a}~~ municipal court may destroy a court record pursuant to a schedule for
43 the retention and disposition of court records established by the Supreme Court
44 without placing an image of the court record on microfilm or saving an image of
45 the court record in an electronic recordkeeping system.

46 4. A reproduction of an image of a court record that has been placed on
47 microfilm or saved pursuant to this section shall be deemed to be the original court
48 record, regardless of whether the original exists.

49 5. A microfilmed image of a court record or an image of a court record saved
50 in an electronic recordkeeping system pursuant to this section must be durable,
51 accurate, complete and clear.

52 6. If, pursuant to this section, an image of a court record is placed on
53 microfilm or is saved in an electronic recordkeeping system, the clerk who does so

1 shall promptly store at least one copy of the microfilm or any tape, disc or other
2 medium used for the storage of the saved image in a manner and place:

3 (a) So as to protect it reasonably from loss or damage; and

4 (b) As prescribed by the Supreme Court.

5 7. The Supreme Court may provide by rule for the destruction, without prior
6 microfilming, of such other documents of the several courts of this State as are held
7 in the offices of the clerks but which:

8 (a) No longer serve any legal, financial or administrative purpose; and

9 (b) Do not have any historical value.

10 8. The Court Administrator may request the Division to advise and assist the
11 Supreme Court in its establishment of the rules or of a schedule for the retention
12 and disposition of court records.

13 9. As used in this section, "court record" means any document, device or
14 item, regardless of physical form or characteristic, that:

15 (a) Is created by, received by or comes under the jurisdiction of the Supreme
16 Court, the Court of Appeals or a district court, justice court or municipal court; and

17 (b) Documents the organization, functions, policies, decisions, procedures,
18 operations or any other activities of the Supreme Court, Court of Appeals, district
19 court, justice court or municipal court.

20 **Sec. 13.** NRS 4.290 and 4.300 are hereby repealed.

TEXT OF REPEALED SECTIONS

4.290 Successor defined. The justice elected to fill a vacancy is the successor of the justice whose office became vacant before the expiration of a full term. When a full term expires, the same, or another person elected to take office in the same township, from that time is the successor.

4.300 Designation of succeeding justice of the peace. When two or more justices are equally entitled, under NRS 4.290, to be deemed the successor in office of the justice, a judge of the district court must, by a certificate subscribed by the judge of the district court and filed in the office of the county clerk, designate which justice is the successor of a justice going out of office, or whose office has become vacant.