

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 provisions governing the clerks of a justice court; 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 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 jurisdiction of a justice of the peace in the case of an arrest made by a member of the Nevada Highway Patrol.

Existing law authorizes a justice court to transfer a criminal case to another justice court in this State in certain circumstances, if: (1) the case involves criminal



20 conduct that occurred outside the county or township where the court is located,  
 21 and the defendant has appeared before a magistrate; (2) the transfer is necessary to  
 22 promote access to justice for the defendant; or (3) the defendant agrees to  
 23 participate in a program of treatment. (NRS 4.3713) **Section 6** of this bill removes  
 24 the requirement that a defendant must have appeared before a magistrate in order to  
 25 transfer a case that involves criminal conduct that occurred outside a county or  
 26 township where the court is located. **Section 6** also authorizes a justice court to  
 27 transfer a case if all of the justices of the peace in the court have either recused  
 28 themselves or been disqualified from presiding over the case. Finally, **section 6**  
 29 removes a prohibition against transferring certain cases until a plea agreement has  
 30 been reached or the court has made a final disposition.

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

42 **Section 13** of this bill removes certain obsolete provisions of law relating to  
 43 successors of 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.** (Deleted by amendment.)  
 2 **Sec. 2.** NRS 1.170 is hereby amended to read as follows:  
 3 1.170 The clerk of each court, or the:  
 4 1. Deputy clerk;  
 5 2. Justice of the peace if a ~~[deputy]~~ clerk *of the court* has not  
 6 been appointed for the justice court; or  
 7 3. Judge of a municipal court designated as a court of record  
 8 pursuant to NRS 5.010 if a deputy clerk has not been appointed for  
 9 that court,  
 10 ↪ shall keep the seal of the court.  
 11 **Sec. 3.** (Deleted by amendment.)  
 12 **Sec. 4.** NRS 4.350 is hereby amended to read as follows:  
 13 4.350 1. ~~[Except as otherwise provided in subsection 5, the~~  
 14 ~~county clerk, with the approval of the board of county~~  
 15 ~~commissioners and the justice of the peace, may appoint a deputy~~  
 16 ~~clerk for the justice court.] *The justices of the peace of each justice*~~  
 17 ~~*court where there is more than one justice of the peace shall*~~  
 18 ~~*appoint a clerk of the court, who may also be known as the justice*~~  
 19 ~~*court administrator. In a justice court where there is only one*~~  
 20 ~~*justice of the peace, the justice of the peace shall be deemed to be*~~



1 *the clerk of the court unless the justice of the peace appoints*  
2 *another person as the clerk of the court.*

3 2. The compensation of a clerk so appointed must be fixed by  
4 the board of county commissioners.

5 ~~[2.—The deputy clerk shall take the constitutional oath of office~~  
6 ~~and give bond in the sum of \$2,000 for the faithful discharge of the~~  
7 ~~duties of the office, and in the same manner as is required of other~~  
8 ~~officers of the township and county. The county clerk is not~~  
9 ~~personally liable, on his or her official bond or otherwise, for the~~  
10 ~~acts of a deputy clerk appointed pursuant to this section.]~~

11 3. The ~~{deputy}~~ clerk of the court may, under the direct  
12 supervision of the justice of the peace, administer oaths, take and  
13 certify affidavits and acknowledgments, issue process, enter suits on  
14 the docket, and do all clerical work in connection with the keeping  
15 of the records, files and dockets of the court, and shall perform any  
16 other duties in connection with the office as the justice of the peace  
17 prescribes.

18 ~~[4.—Except as otherwise provided in subsection 5, where there~~  
19 ~~is more than one justice of the peace serving in any township, the~~  
20 ~~county clerk may, with the approval of the board of county~~  
21 ~~commissioners and the justices of the peace, appoint a second~~  
22 ~~deputy who shall comply with the requirements of subsection 2 and~~  
23 ~~has the powers and duties prescribed in subsection 3.~~

24 ~~—5.—In a county whose population is 700,000 or more, the board~~  
25 ~~of county commissioners, with the approval of the justice of the~~  
26 ~~peace, may appoint a deputy clerk for a justice court. If there is~~  
27 ~~more than one justice of the peace serving in any township, the~~  
28 ~~board, with the approval of the justices of the peace, may appoint~~  
29 ~~one or more additional deputy clerks.~~

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

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

35 4.370 1. Except as otherwise provided in subsection 2, justice  
36 courts have jurisdiction of the following civil actions and  
37 proceedings and no others except as otherwise provided by specific  
38 statute:

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

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



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

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

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

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

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

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

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

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

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

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

33 (m) Except as otherwise provided in this paragraph, in any  
34 action for the issuance of a temporary or extended order for  
35 protection against domestic violence pursuant to NRS 33.020. A  
36 justice court does not have jurisdiction in an action for the issuance  
37 of a temporary or extended order for protection against domestic  
38 violence:

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

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

43 (3) If a district court issues a written order to the justice court  
44 requiring that further proceedings relating to the action for the



1 issuance of the order for protection be conducted before the district  
2 court; or

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

5 (n) Except as otherwise provided in this paragraph, in any action  
6 for the issuance of an emergency or extended order for protection  
7 against high-risk behavior pursuant to NRS 33.570 or 33.580. A  
8 justice court does not have jurisdiction in an action for the issuance  
9 of an emergency or extended order for protection against high-risk  
10 behavior:

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

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

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

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

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

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

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

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

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

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

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

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

42 (w) In any action to determine whether a person has committed  
43 a civil infraction punishable pursuant to NRS 484A.703 to  
44 484A.705, inclusive.



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

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

13 4. Except as otherwise provided in subsections 5 ~~[ ]~~ and 6 ,  
14 ~~[and 7.]~~ in criminal cases the jurisdiction of justices of the peace  
15 extends to the limits of their respective counties.

16 5. A justice of the peace may conduct a pretrial release hearing  
17 for a person located outside of the township of the justice of the  
18 peace.

19 6. ~~[In the case of any arrest made by a member of the Nevada  
20 Highway Patrol, the jurisdiction of the justices of the peace extends  
21 to the limits of their respective counties and to the limits of all  
22 counties which have common boundaries with their respective  
23 counties.~~

24 ~~—7.]~~ Each justice court has jurisdiction of any violation of a  
25 regulation governing vehicular traffic on an airport within the  
26 township in which the court is established.

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

28 4.3713 1. A justice court may, on its own motion, transfer  
29 original jurisdiction of a criminal case filed with that court to  
30 another justice court or a municipal court if:

31 (a) The case involves criminal conduct that occurred outside the  
32 limits of the county or township where the court is located ; ~~[and the  
33 defendant has appeared before a magistrate pursuant to  
34 NRS 171.178;]~~

35 (b) Such a transfer is necessary to promote access to justice for  
36 the defendant and the justice court has noted its findings concerning  
37 that issue in the record; ~~[or]~~

38 (c) The defendant agrees to participate in a program of  
39 treatment, including, without limitation, a program of treatment  
40 made available pursuant to NRS 176A.230, 176A.250 or 176A.280,  
41 or to access other services located elsewhere in this State ~~[ ]~~ ; or

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



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

5 3. An order issued by a justice court which transfers a case  
6 pursuant to this section becomes effective after a notice of  
7 acceptance is returned by the justice court or municipal court to  
8 which the case was transferred. If a justice court or municipal court  
9 refuses to accept the transfer of a case pursuant to subsection 1, the  
10 case must be returned to the justice court which sought the transfer.

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

12 6.160 The clerk of the court in cases in the district court and  
13 ~~the deputy clerk of the~~ justice court ~~in cases in the justice court~~  
14 shall keep a payroll, enrolling thereon the names of all jurors, the  
15 number of days in attendance and the actual number of miles  
16 traveled by the shortest and most practical route in going to and  
17 returning from the place where the court is held, and at the  
18 conclusion of a trial may:

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

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

24 ↪ These payments must be made from and to the extent allowed by  
25 the fees collected from the demanding party, pursuant to the  
26 provisions of NRS 6.150, and from and to the extent allowed by any  
27 other fees which have been collected pursuant to law. The clerk  
28 shall obtain from each juror so paid a receipt signed by him or her  
29 and indicating the date of payment, the date of service and the  
30 amount paid. A duplicate of this receipt must be immediately  
31 delivered to the appropriate county auditor, county recorder or  
32 county comptroller.

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

34 176.087 1. Except where the imposition of a specific criminal  
35 penalty is mandatory, a court may order a convicted person to  
36 perform supervised community service:

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

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

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



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

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

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

- 16 (1) Misdemeanor, 200 hours;  
17 (2) Gross misdemeanor, 600 hours; or  
18 (3) Felony, 1,000 hours.

19 (b) A supervising authority listed in subsection 2 must agree to  
20 accept the convicted person for community service before the court  
21 may require the convicted person to perform community service for  
22 that supervising authority. The supervising authority must be located  
23 in or be the town or city of the convicted person's residence or, if  
24 that placement is not possible, one located within the jurisdiction of  
25 the court or, if that placement is not possible, the authority may be  
26 located outside the jurisdiction of the court.

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

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

34 5. For each hour of community service that is performed by a  
35 person pursuant to this section, the court must provide a credit of  
36 ~~[\$10 or]~~ **not less than** the amount of the state minimum wage ~~if~~  
37 ~~health insurance is not offered, whichever is greater,~~ toward the  
38 payment of any fine that was imposed against the person for the  
39 commission of the offense for which the person was ordered to  
40 perform community service.

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

42 178.544 1. Whenever a person is admitted to bail in a Justice  
43 Court and the bail is put in by a written undertaking, the ~~deputy~~  
44 clerk of the Justice Court shall record:

45 (a) The name of the defendant;





- 1 (b) The names of the sureties;
- 2 (c) The amount of the bond;
- 3 (d) The name of the court;
- 4 (e) The number of the case; and
- 5 (f) Such other information as is reasonably necessary to
- 6 complete the record.

7 2. When the bond is exonerated or forfeited, the [deputy] clerk  
8 of the Justice Court shall record:

- 9 (a) The date of the exoneration or forfeiture;
- 10 (b) The book and page of the minute order declaring the
- 11 exoneration or forfeiture; and
- 12 (c) The date of notice to the district attorney of any forfeiture of
- 13 the bond.

14 **Sec. 10.** NRS 178.548 is hereby amended to read as follows:  
15 178.548 The county clerk, the [deputy] clerk of the justice  
16 court, or the Clerk of the Supreme Court shall notify the district  
17 attorney of the appropriate county, in writing, promptly upon the  
18 receipt of information indicating that a bail bond has been forfeited.

19 **Sec. 11.** NRS 178.606 is hereby amended to read as follows:  
20 178.606 A docket must be kept by the [deputy] clerk of the  
21 justice court, in which the [deputy] clerk shall enter each action [.]  
22 and the minutes of the proceedings of the court therein.

23 **Sec. 12.** NRS 239.110 is hereby amended to read as follows:  
24 239.110 1. In addition to any other requirement of this  
25 section, the Clerk of the Supreme Court, a deputy clerk of the  
26 Supreme Court, a county clerk, the clerk of a district court, a deputy  
27 clerk of a district court, a [deputy] clerk of a justice court or a clerk  
28 of a municipal court may destroy a court record only in accordance  
29 with a schedule for the retention and disposition of court records  
30 which is approved by the Supreme Court.

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

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



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

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

8 6. If, pursuant to this section, an image of a court record is  
9 placed on microfilm or is saved in an electronic recordkeeping  
10 system, the clerk who does so shall promptly store at least one copy  
11 of the microfilm or any tape, disc or other medium used for the  
12 storage of the saved image in a manner and place:

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

14 (b) As prescribed by the Supreme Court.

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

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

20 (b) Do not have any historical value.

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

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

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

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

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

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### TEXT OF REPEALED SECTIONS

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**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.

③

