

ASSEMBLY BILL NO. 18—COMMITTEE ON JUDICIARY

PREFILED JANUARY 7, 1999

(ON BEHALF OF STATE BAR OF NEVADA)

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to unauthorized practice of law. (BDR 1-24)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to the practice of law; revising certain provisions relating to the unauthorized practice of law; increasing the penalties for the unlawful practice of law; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 7.285 is hereby amended to read as follows:
- 2 7.285 1. ~~{No}~~ A person shall ***not*** practice law in this state unless he is
- 3 an active member of the State Bar of Nevada ***or is otherwise authorized to***
- 4 ***practice law in this state*** pursuant to the rules of the supreme court.
- 5 2. ***The supreme court shall provide by rule the activities that***
- 6 ***constitute engaging in the practice of law.***
- 7 3. Any person who ~~{, not being}~~ ***is not*** an active member of the State
- 8 Bar of Nevada ~~{, or who,}~~ ***and practices law, who practices law*** after he has
- 9 been disbarred or while suspended from membership in the State Bar of
- 10 Nevada, as provided in the rules of the supreme court ~~{, shall practice law,}~~
- 11 ***or who practices law and is not otherwise authorized to practice law in***
- 12 ***this state, is guilty :***
- 13 (a) ***For a first offense within the immediately preceding 7 years, of a***
- 14 ***gross misdemeanor*** ~~{,}~~ ***; and***
- 15 (b) ***For a second and any subsequent offense within the immediately***
- 16 ***preceding 7 years, of a category D felony and shall be punished as***
- 17 ***provided*** ***in*** ***NRS*** ***193.130.***

1 **4. The district attorney of the county in which a violation of this**
2 **section is alleged to have occurred shall prosecute the person allegedly**
3 **responsible for the violation.**

4 **5. The State Bar of Nevada may:**

5 **(a) Refer a person whom it suspects of violating the provisions of this**
6 **section to the district attorney of the county in which it suspects the**
7 **violation occurred; and**

8 **(b) Bring a civil action to secure an injunction and any other**
9 **appropriate relief against a person who violates this section.**

10 **Sec. 2.** The amendatory provisions of this act do not apply to offenses
11 that are committed before October 1, 1999.