

ASSEMBLY BILL NO. 86—COMMITTEE ON JUDICIARY

(ON BEHALF OF CLARK COUNTY)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Requires justices of the peace in certain townships to be licensed and admitted to practice law in courts of this state. (BDR 1-576)

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

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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 justices of the peace; requiring that the justices of the peace in certain townships be licensed and admitted to practice law in the courts of this state; 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 4.010 is hereby amended to read as follows:
2 4.010 1. A person who is not a qualified elector is not eligible to the
3 office of justice of the peace.
4 2. ~~1. A justice of the peace in a township whose population is 250,000 or~~
5 ~~more must be an attorney who is licensed and admitted to practice law in~~
6 ~~the courts of this state.~~ A justice of the peace ~~in a township whose~~
7 ~~population is less than 250,000~~ must have a high school diploma or its
8 equivalent as determined by the state board of education ~~and~~ **and:**
9 **(a) In a county whose population is 400,000 or more, a justice of the**
10 **peace in a township whose population is 100,000 or more must be an**
11 **attorney who is licensed and admitted to practice law in the courts of this**
12 **state.**
13 **(b) In a county whose population is less than 400,000, a justice of the**
14 **peace in a township whose population is 250,000 or more must be an**
15 **attorney who is licensed and admitted to practice law in the courts of this**
16 **state.**

1 3. Subsection 2 does not apply to any person who held the office of
2 justice of the peace on June 30, ~~1987.~~ 1999.

3 **Sec. 2.** Section 4 of Assembly Bill No. 20 of this session is hereby
4 amended to read as follows:

5 **Sec. 4.** NRS 4.010 is hereby amended to read as follows:

6 4.010 1. A person ~~who is~~ *shall* not *be* a ~~qualified elector is~~
7 ~~not~~ *candidate for or be* eligible to the office of justice of the peace
8 ~~unless he is a qualified elector and has never been removed or~~
9 ~~retired from any judicial office by the commission on judicial~~
10 ~~discipline. For the purposes of this subsection, a person shall not~~
11 ~~be ineligible to be a candidate for the office of justice of the peace~~
12 ~~if a decision to remove or retire him from a judicial office is~~
13 ~~pending appeal before the supreme court or has been overturned~~
14 ~~by the supreme court.~~

15 2. A justice of the peace must have a high school diploma or its
16 equivalent as determined by the state board of education and:

17 (a) In a county whose population is 400,000 or more, a justice of
18 the peace in a township whose population is 100,000 or more must
19 be an attorney who is licensed and admitted to practice law in the
20 courts of this state.

21 (b) In a county whose population is less than 400,000, a justice
22 of the peace in a township whose population is 250,000 or more
23 must be an attorney who is licensed and admitted to practice law in
24 the courts of this state.

25 3. Subsection 2 does not apply to any person who held the
26 office of justice of the peace on June 30, 1999.

27 **Sec. 3.** This act becomes effective on July 1, 1999.