

SENATE BILL NO. 314—COMMITTEE ON JUDICIARY

MARCH 4, 1999

Referred to Committee on Judiciary

SUMMARY—Revises and clarifies certain provisions governing municipal judges. (BDR 1-1664)

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 ~~omitted material~~ is material to be omitted.

AN ACT relating to municipal courts; authorizing certain cities to establish the terms of office of municipal judges by ordinance; clarifying that municipal judges may be appointed in certain cities; 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 5.020 is hereby amended to read as follows:
2 5.020 1. Except as otherwise provided in subsection ~~[2,]~~ ***3 and NRS***
3 ***266.405***, each municipal judge must be chosen by the electors of the city
4 within which the municipal court is established on a day to be fixed by the
5 governing body of that city. ~~[He shall hold his office for 1 year, unless a~~
6 ~~longer period is]~~ ***The term of office of a municipal judge is the period***
7 fixed by ~~[the]~~ :
8 ***(a) An ordinance adopted by the city if the city is organized under***
9 ***general law; or***
10 ***(b) The*** charter of the city ~~[, in which case he shall hold his office for~~
11 ~~that longer period.]~~ ***if the city is organized under a special charter.***
12 Before entering upon his duties, a municipal judge shall take the
13 constitutional oath of office.
14 **2.** A municipal judge must:
15 (a) Be a citizen of this state;
16 (b) Except as otherwise provided in the charter of a city organized under
17 a special charter, have been a bona fide resident of the city for not less than
18 1 year next preceding his election;
19 (c) Be a qualified elector in the city; and

1 (d) Not have ever been removed or retired from any judicial office by
2 the commission on judicial discipline.

3 ~~{2.}~~ 3. The governing body of a city, with the consent of the board of
4 county commissioners and the justice of the peace, may provide that a
5 justice of the peace of the township in which the city is located is ex officio
6 the municipal judge of the city.

7 ~~{3.}~~ 4. For the purposes of this section, a person shall not be ineligible
8 to be a candidate for the office of municipal judge if a decision to remove
9 or retire him from a judicial office is pending appeal before the supreme
10 court or has been overturned by the supreme court.

11 **Sec. 2.** This act becomes effective at 12:01 a.m. on October 1, 1999.

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