

SENATE BILL NO. 326—COMMITTEE ON JUDICIARY

(ON BEHALF OF CITY OF LAS VEGAS)

MARCH 5, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing writs of mandamus. (BDR 3-964)

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

~

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

AN ACT relating to writs; providing that an application for a writ of mandamus that alleges an unconstitutional prior restraint must be labeled in a certain manner; requiring the court in which such an application for a writ is filed to render judgment on the application within 30 days; and providing other matters properly relating thereto.

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

Section 1. Chapter 34 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the applicant is alleging an unconstitutional prior restraint of his rights pursuant to the First Amendment to the Constitution of the United States or section 9 of article 1 of the constitution of the State of Nevada, the applicant shall insert the words “First Amendment Petition” in the caption of the application for the writ in at least 10-point type.

2. The court shall render judgment on an application for a writ described in subsection 1 not later than 30 days after the date on which the application for the writ is filed.

Sec. 2. NRS 34.180 is hereby amended to read as follows:

34.180 ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the writ of mandamus may, in the discretion of the court or judge issuing the writ, be made returnable and a hearing thereon be had at any time.***

1 **Sec. 3.** NRS 34.300 is hereby amended to read as follows:
2 34.300 Except as otherwise provided in NRS 34.150 to 34.290,
3 inclusive, *and section 1 of this act*, the provisions of NRS and Nevada
4 Rules of Civil Procedure relative to civil actions in the district court are
5 applicable to and constitute the rules of practice in the proceedings
6 mentioned in NRS 34.150 to 34.290, inclusive ~~H~~, *and section 1 of this*
7 *act.*

~