

SENATE BILL NO. 456—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

MARCH 17, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes certain changes concerning employment of deputies of public defender in certain counties. (BDR 20-1615)

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 public defenders; requiring the deputies of the public defender to be governed by the merit personnel system of the county in certain counties; 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 260.040 is hereby amended to read as follows:
2 260.040 1. The compensation of the public defender must be fixed
3 by the board of county commissioners. The public defender of any two or
4 more counties must be compensated and be permitted private civil practice
5 of the law as determined by the boards of county commissioners of those
6 counties, subject to the provisions of subsection 4 of this section and NRS
7 7.065.
8 2. The public defender may appoint as many deputies or assistant
9 attorneys, clerks, investigators, stenographers and other employees as he
10 considers necessary to enable him to carry out his responsibilities, with the
11 approval of the board of county commissioners. An assistant attorney must
12 be a qualified attorney licensed to practice in this state and may be placed
13 on a part-time or full-time basis.
14 3. The compensation of persons appointed under subsection 2 must be
15 fixed by the board of county commissioners of the county or counties so
16 served.

1 4. The public defender and his deputies and assistant attorneys in a
2 county whose population is less than 100,000 may engage in the private
3 practice of law. Except as otherwise provided in this subsection, in any
4 other county, the public defender and his deputies and assistant attorneys
5 shall not engage in the private practice of law except as otherwise provided
6 in NRS 7.065. An attorney appointed to defend a person for a limited
7 duration with limited jurisdiction may engage in private practice which
8 does not present a conflict with his appointment.

9 5. The board of county commissioners shall provide office space,
10 furniture, equipment and supplies for the use of the public defender suitable
11 for the conduct of the business of his office. However, the board of county
12 commissioners may provide for an allowance in place of facilities. Each of
13 those items is a charge against the county in which public defender services
14 are rendered. If the public defender serves more than one county, expenses
15 that are properly allocable to the business of more than one of those
16 counties must be prorated among the counties concerned.

17 6. *In a county whose population is 400,000 or more, deputies are*
18 *governed by the merit personnel system of the county.*

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