

Assembly Bill No. 110—Committee on Judiciary

CHAPTER.....

AN ACT relating to juries; revising the provisions governing the summoning of jurors by a justice's court 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:

Section 1. NRS 66.020 is hereby amended to read as follows:

66.020 1. The court may, at any time before the trial, on motion, change the place of trial in the following cases:

(a) When it appears to the satisfaction of the justice before whom the action is pending, by affidavit of either party, that the justice is a material witness for either party.

(b) When either party makes and files an affidavit that he believes that he cannot have a fair and impartial trial before the justice by reason of the interest, prejudice or bias of the justice.

(c) When a jury has been demanded, and either party makes and files an affidavit that he cannot have a fair and impartial trial on account of the bias or prejudice *against him* of the citizens of ~~the township against him.~~ :

(1) The city, precinct or township, if the jurors are to be summoned pursuant to subsection 1 of NRS 67.010; or

(2) The county, if the jurors are to be summoned pursuant to subsection 2 of NRS 67.010.

(d) When from any cause the justice is disqualified from acting.

(e) When the justice is sick or unable to act.

2. In lieu of changing the place of trial, the justice before whom the action is pending may for any of the cases mentioned in subsection 1 call another justice of the county to conduct the trial.

Sec. 2. Chapter 67 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 400,000 or more, a person who lives 65 miles or more from the justice's court is exempt from serving as a trial juror. Whenever it appears to the satisfaction of the justice's court, by affidavit or otherwise, that a juror lives 65 miles or more from the justice's court, the justice's court shall order the juror excused from all service as a trial juror, if the juror so desires.

Sec. 3. NRS 67.010 is hereby amended to read as follows:

67.010 1. The jury ~~shall~~ **must** be summoned upon an order of the justice from , *except as otherwise provided in subsection 2,* the ~~citizens~~ *qualified electors, whether or not registered as voters,* of the city, precinct or township, and not from the bystanders.

2. In a county whose population is 400,000 or more, the justice may summon to the court, from the qualified electors of the county, whether or not registered as voters, and not from the bystanders, the number of qualified jurors which the justice determines is necessary for the formation of a jury.

Sec. 4. NRS 67.020 is hereby amended to read as follows:

67.020 1. At the time appointed for the trial , the justice shall proceed to call from the jurors summoned the names of the persons to

constitute the jury for the trial of the issue. If a sufficient number of competent and indifferent jurors do not attend, the justice shall direct ~~{others to}~~ *that additional jurors sufficient to complete the jury* be summoned. ~~{from the vicinity, and not from the bystanders, sufficient to complete the jury.}~~

2. The jury, by consent of the parties, may consist of any number not more than eight nor less than four.

Sec. 5. NRS 6.020 is hereby amended to read as follows:

6.020 1. ~~{Upon}~~ *Except as otherwise provided in subsections 2 and 3 and section 2 of this act, upon* satisfactory proof, made by affidavit or otherwise, the following-named persons, and no others, ~~{except as otherwise provided in subsections 2 and 3,}~~ are exempt from service as grand or trial jurors:

- (a) Any federal or state officer.
- (b) Any judge, justice of the peace or attorney at law.
- (c) Any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer.
- (d) Any locomotive engineer, locomotive fireman, conductor, brakeman, switchman or engine foreman.
- (e) Any officer or correctional officer employed by the department of prisons.
- (f) Any employee of the legislature or the legislative counsel bureau while the legislature is in session.
- (g) Any physician, optometrist or dentist who is licensed to practice in this state.
- (h) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

2. All persons of the age of 70 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 70 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

Sec. 6. This act becomes effective on July 1, 2001.