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ASSEMBLY BILL NO. 41–ASSEMBLYMAN DINI

PREFILED JANUARY 26, 2001

JOINT SPONSOR: SENATOR AMODEI

Referred to Committee on Judiciary

SUMMARY—Authorizes city attorneys to defend person in criminal proceeding under certain circumstances. (BDR 1-380)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 attorneys; authorizing city attorneys to defend a person in a criminal proceeding under certain circumstances; 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 7.105 is hereby amended to read as follows:

7.105 1. Except as otherwise provided in [~~subsection~~] ***subsections*** 2 ***and 3*** and NRS 7.065:

(a) The attorney general and every city attorney, district attorney and the deputies and assistants of each, hired or elected to prosecute persons charged with the violation of any ordinance or any law of this state; and

(b) The legislative counsel and every attorney employed in the legislative counsel bureau, without the consent of the legislative commission,

shall not, during their terms of office or during the time they are so employed, in any court of this state, accept an appointment to defend, agree to defend or undertake the defense of any person charged with the violation of any ordinance or any law of this state.

2. ***Except as otherwise provided by city charter, a city attorney and his deputies and assistants may defend a person in a criminal proceeding for compensation if:***

(a) The criminal proceeding is held in a jurisdiction outside of the jurisdiction where the attorney serves as a prosecutor;

(b) The attorney obtains the prior consent of the defendant; and

(c) The attorney obtains the prior consent of:

(1) If the attorney is a city attorney, the governing body of the city for which he serves as city attorney; or

(2) If the attorney is a deputy or assistant of a city attorney, the city attorney and the governing body of the city for which he serves as a deputy or assistant city attorney.

3. An attorney who has been appointed to prosecute a person for a limited duration with limited jurisdiction may accept an appointment or otherwise engage in private employment to defend any other person charged with the violation of any ordinance or any law of this state, unless providing the defense would result in a direct, legal or ethical conflict of interests with his appointment to prosecute.

Sec. 2. This act becomes effective upon passage and approval.

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