

## ASSEMBLY BILL NO. 557—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2001

## Referred to Committee on Government Affairs

SUMMARY—Authorizes constables, upon request of sheriff, to execute certain process, writs and warrants. (BDR 20-246)

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 constables; authorizing constables, upon request by the sheriff, to execute certain process, writs, and warrants; 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 248.100 is hereby amended to read as follows:
- 2     248.100   ***1.*** The sheriff shall:
- 3     ~~1-1~~ ***(a)*** Attend in person, or by deputy, ~~1-1~~ all sessions of the district
- 4     court in his county.
- 5     ~~2-1~~ ***(b)*** Obey all the lawful orders and directions of the same.
- 6     ~~3-1. Execute~~
- 7     ***(c) Except as otherwise provided in subsection 2, execute*** the process,
- 8     writs or warrants of courts of justice, judicial officers and coroners, when
- 9     delivered to him for that purpose.
- 10    ***2. The sheriff may authorize the constable of the appropriate***
- 11    ***township to receive and execute the process, writs or warrants of courts***
- 12    ***of justice, judicial officers and coroners.***
- 13    **Sec. 2.** NRS 248.120 is hereby amended to read as follows:
- 14    248.120   When any process, writ or order ~~shall be~~ ***is*** delivered to the
- 15    sheriff ***, or the constable as authorized pursuant to NRS 248.100,*** to be
- 16    served or executed, ~~he~~ ***the sheriff or constable*** shall:
- 17    1. Forthwith endorse upon it the year, month, day and hour of its
- 18    ~~reception~~ ***receipt.***
- 19    2. Give to the person delivering it, if required, on payment of his fee, a
- 20    written memorandum signed by him, stating the names of the parties in the
- 21    process or order, the nature thereof ~~1-1~~ and the time it was received. He
- 22    shall also deliver to the party served a copy thereof, if required so to do,
- 23    without charge to such party.



1     **Sec. 3.** NRS 248.130 is hereby amended to read as follows:  
2     248.130 A sheriff , *or a constable authorized pursuant to NRS*  
3 *248.100,* to whom any process, writ, order or paper ~~shall be~~ *is* delivered  
4 shall:

5     1. Execute the same with diligence, according to its command, or as  
6 required by law.

7     2. Return it without delay to the proper court or officer, with his  
8 certificate endorsed thereon of the manner of its service or execution, or, if  
9 not served or executed, the reasons for his failure.

10 For a failure so to do, he shall be liable to the party aggrieved for all  
11 damages sustained by him on account of such neglect.

12     **Sec. 4.** NRS 248.150 is hereby amended to read as follows:

13     248.150 ~~It~~ *Except as otherwise provided in NRS 248.100, if* the  
14 sheriff to whom a writ of execution or writ of attachment is delivered shall  
15 neglect or refuse, after being required by the creditor or his attorney to  
16 attach, or to levy upon ~~it~~ or sell, any property of the party charged in the  
17 writ which is liable to be attached or levied upon and sold, he shall be  
18 liable on his official bond to the creditor for the value of such property.

19     **Sec. 5.** NRS 258.070 is hereby amended to read as follows:

20     258.070 1. Each constable shall:

21     (a) Be a peace officer in his township.

22     (b) Serve all mesne and final process issued by a court of competent  
23 jurisdiction.

24     (c) *Execute the process, writs or warrants that he is authorized to*  
25 *receive pursuant to NRS 248.100.*

26     (d) Discharge such other duties as are or may be prescribed by law.

27     2. If a sheriff or his deputy in any county in this state arrests ~~any~~  
28 ~~person or persons~~ *a person* charged with a criminal offense or in the  
29 commission of an offense, the sheriff or his deputy shall serve all process,  
30 whether mesne or final, and attend the court executing the order thereof in  
31 the prosecution of the person ~~or persons~~ so arrested, whether in a justice's  
32 court or a district court, to ~~a final~~ *the* conclusion, and whether the offense  
33 is an offense of which a justice of the peace has jurisdiction, or whether the  
34 proceeding is a preliminary examination or hearing. The sheriff or his  
35 deputy shall collect the same fees and in the same manner therefor as the  
36 constable of the township ~~it~~ in which the justice's court is held ~~it~~ would  
37 receive for the same service.

