

ASSEMBLY BILL NO. 237—ASSEMBLYMAN HARDY

MARCH 21, 2005

Referred to Committee on Judiciary

SUMMARY—Revises jurisdiction of certain justices' courts.
(BDR 1-1239)

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 justices' courts; revising the jurisdiction of certain justices' courts with respect to the issuance of orders for protection against domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, most justices' courts are given jurisdiction to issue a temporary or extended order for protection against domestic violence. Justices' courts in judicial districts that include a county with a population of 100,000 or more, however, do not have jurisdiction to issue such orders. (NRS 4.370) These judicial districts include the Second Judicial District, which is composed of Washoe County, and the Eighth Judicial District, which is composed of Clark County. (NRS 3.010) As a result, any person living in Clark County or Washoe County, including rural areas of those counties, must obtain an order of protection against domestic violence from the district court or the family court division of the district court. (NRS 3.223)

This bill revises the population requirement under which a justice's court may issue a temporary or extended order for protection against domestic violence. This bill authorizes a justice's court to issue an order of protection against domestic violence, except in a city or township with a population of 100,000 or more (currently Las Vegas, Reno, Henderson and North Las Vegas). A person living in the cities of Las Vegas, Reno, Henderson or North Las Vegas must continue to obtain an order of protection from the district court or the family court division of the district court.



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

Section 1. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS or title 5 of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 441A.500 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established  and , *except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370*, the justices' court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court  have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 2. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justices' courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$10,000.



(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$10,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$10,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$10,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$10,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$10,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$10,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except in a ~~judicial district that includes a county~~ city or township whose population is 100,000 or more, in any action for the issuance of a temporary or extended order for protection against domestic violence.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.



1 (p) In actions to contest the validity of liens on mobile homes or
2 manufactured homes.

3 (q) In any action pursuant to NRS 200.591 for the issuance of a
4 protective order against a person alleged to be committing the crime
5 of stalking, aggravated stalking or harassment.

6 (r) In actions transferred from the district court pursuant to
7 NRS 3.221.

8 (s) In any action for the issuance of a temporary or extended
9 order pursuant to NRS 33.400.

10 2. The jurisdiction conferred by this section does not extend to
11 civil actions, other than for forcible entry or detainer, in which the
12 title of real property or mining claims or questions affecting the
13 boundaries of land are involved.

14 3. Justices' courts have jurisdiction of all misdemeanors and no
15 other criminal offenses except as otherwise provided by specific
16 statute. Upon approval of the district court, a justice's court may
17 transfer original jurisdiction of a misdemeanor to the district court
18 for the purpose of assigning an offender to a program established
19 pursuant to NRS 176A.250.

20 4. Except as otherwise provided in subsections 5 and 6, in
21 criminal cases the jurisdiction of justices of the peace extends to the
22 limits of their respective counties.

23 5. In the case of any arrest made by a member of the Nevada
24 Highway Patrol, the jurisdiction of the justices of the peace extends
25 to the limits of their respective counties and to the limits of all
26 counties which have common boundaries with their respective
27 counties.

28 6. Each justice's court has jurisdiction of any violation of a
29 regulation governing vehicular traffic on an airport within the
30 township in which the court is established.

31 **Sec. 3.** This act becomes effective on January 1, 2006.

