

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:

Existing law provides for the jurisdiction of justices' courts and establishes that certain justices' courts have original jurisdiction to issue temporary or extended orders for protection against domestic violence, and other justices' court have concurrent jurisdiction with the district court to issue such orders. (NRS 3.223, 4.370)

This bill provides that justices' courts have the authority to issue orders for protection against domestic violence, except justices' courts in counties whose population is more than 100,000 but less than 400,000 (currently Washoe County) and justices' courts in a township with a population of 100,000 or more located within a county whose population is more than 400,000 (currently Henderson, Las Vegas and North Las Vegas). However, this bill provides that a justice's court may not issue such an order for protection against domestic violence if there is another action involving the party pending in the district court in which an order may be obtained, such as a pending action for divorce.

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



* A B 2 3 7 R 2 *

1 Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in
2 which it is established, the family court has original, exclusive
3 jurisdiction in any proceeding:

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

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

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

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

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

15 (f) To change the name of a minor.

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

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

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

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

24 2. The family court, where established ~~§~~ and , *except as*
25 *otherwise provided in paragraph (m) of subsection 1 of NRS*
26 *4.370*, the justices' court have concurrent jurisdiction over actions
27 for the issuance of a temporary or extended order for protection
28 against domestic violence.

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

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

34 4.370 1. Except as otherwise provided in subsection 2,
35 justices' courts have jurisdiction of the following civil actions and
36 proceedings and no others except as otherwise provided by specific
37 statute:

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

40 (b) In actions for damages for injury to the person, or for taking,
41 detaining or injuring personal property, or for injury to real property
42 where no issue is raised by the verified answer of the defendant
43 involving the title to or boundaries of the real property, if the
44 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 whose population is 100,000 or more,~~ *as otherwise provided in this paragraph*, in any action for the issuance of a temporary or extended order for protection against domestic violence. *A justice's court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:*

(1) In a county whose population is more than 100,000 and less than 400,000;

(2) In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or

(3) If a party to the action is a party in another action pending in the district court in which such an order may be granted by the district court.



(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.

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

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

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

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

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

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

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

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

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

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

