

SENATE BILL NO. 234—SENATOR LEE

MARCH 21, 2005

Referred to Committee on Judiciary

SUMMARY—Revises qualifications for Supreme Court Justices, district judges and justices of the peace. (BDR 1-775)

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 the Judicial Department; revising the qualifications for justices of the Supreme Court, district judges and justices of the peace; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, in addition to other qualifications, that to be a candidate for or qualify for the office of justice of the Supreme Court, district judge or justice of the peace in certain townships a person must be an attorney licensed and admitted to practice law in the courts of this State. (NRS 2.020, 3.060, 4.010)

This bill provides an additional qualification for those judicial offices that a person must have been licensed and admitted to practice law in the courts of this State for a specific period before the election or appointment of the person to the office. The period that a person must have been licensed and admitted to practice law to qualify for the office of justice of the Supreme Court is 10 years, for the office of district judge and for the office of justice of the peace in a township in which a justice of the peace is required to be a licensed attorney is 5 years.

This bill does not affect the current term of any justice of the Supreme Court, district judge or justice of the peace who is serving in that office on October 1, 2005.

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

Section 1. NRS 2.020 is hereby amended to read as follows:
2.020 1. A person ~~shall~~ **may** not be a candidate for or be eligible to the office of justice of the Supreme Court:



1 (a) Unless he has attained the age of 25 years.

2 (b) Unless he is an attorney licensed and admitted to practice
3 law in the courts of this State ~~H~~ *at the time of his election or*
4 *appointment and has been an attorney licensed and admitted to*
5 *practice law in the courts of this State for not less than 10 years at*
6 *any time preceding his election or appointment.*

7 (c) Unless he is a qualified elector and has been a bona fide
8 resident of this State for 2 years next preceding the election or
9 appointment.

10 (d) If he has ever been removed from any judicial office by the
11 Legislature or removed or retired from any judicial office by the
12 Commission on Judicial Discipline.

13 2. For the purposes of this section, a person shall not be
14 ineligible to be a candidate for the office of justice of the Supreme
15 Court if a decision to remove or retire him from a judicial office is
16 pending appeal before the Supreme Court or has been overturned by
17 the Supreme Court.

18 **Sec. 2.** NRS 3.060 is hereby amended to read as follows:

19 3.060 1. A person shall not be a candidate for or be eligible
20 to the office of district judge:

21 (a) Unless he has attained the age of 25 years.

22 (b) Unless he is an attorney licensed and admitted to practice
23 law in the courts of this State ~~H~~ *at the time of his election or*
24 *appointment and has been an attorney licensed and admitted to*
25 *practice law in the courts of this State for not less than 5 years at*
26 *any time preceding his election or appointment.*

27 (c) Unless he is a qualified elector and has been a bona fide
28 resident of this State for 2 years next preceding the election or
29 appointment.

30 (d) If he has ever been removed from any judicial office by the
31 Legislature or removed or retired from any judicial office by the
32 Commission on Judicial Discipline.

33 2. For the purposes of this section, a person shall not be
34 ineligible to be a candidate for the office of district judge if a
35 decision to remove or retire him from a judicial office is pending
36 appeal before the Supreme Court or has been overturned by the
37 Supreme Court.

38 **Sec. 3.** NRS 4.010 is hereby amended to read as follows:

39 4.010 1. A person shall not be a candidate for or be eligible
40 to the office of justice of the peace unless he is a qualified elector
41 and has never been removed or retired from any judicial office by
42 the Commission on Judicial Discipline. For the purposes of this
43 subsection, a person shall not be ineligible to be a candidate for the
44 office of justice of the peace if a decision to remove or retire him



1 from a judicial office is pending appeal before the Supreme Court or
2 has been overturned by the Supreme Court.

3 2. A justice of the peace must have a high school diploma or its
4 equivalent as determined by the State Board of Education and:

5 (a) In a county whose population is 400,000 or more, a justice of
6 the peace in a township whose population is 100,000 or more must
7 be an attorney who is licensed and admitted to practice law in the
8 courts of this State ~~H~~ *at the time of his election or appointment*
9 *and has been licensed and admitted to practice law in the courts of*
10 *this State for not less than 5 years at any time preceding his*
11 *election or appointment.*

12 (b) In a county whose population is less than 400,000, a justice
13 of the peace in a township whose population is 250,000 or more
14 must be an attorney who is licensed and admitted to practice law in
15 the courts of this State ~~H~~ *at the time of his election or appointment*
16 *and has been licensed and admitted to practice law in the courts of*
17 *this State for not less than 5 years at any time preceding his*
18 *election or appointment.*

19 3. Subsection 2 does not apply to any person who held the
20 office of justice of the peace on June 30, 1999.

21 **Sec. 4.** The amendatory provisions of this act do not abrogate
22 or affect the current term of office of any justice of the Supreme
23 Court, district judge or justice of the peace who is serving in that
24 office on October 1, 2005.



