

SENATE BILL NO. 248—SENATOR BEERS

MARCH 21, 2005

Referred to Committee on Judiciary

SUMMARY—Creates statutory right to jury trial in justices’ courts and municipal courts for defendants charged with certain misdemeanors. (BDR 14-1122)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 1, 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 criminal procedure; creating a statutory right to a jury trial in justices’ courts and municipal courts for defendants charged with certain misdemeanors involving domestic violence or driving under the influence; providing in skeleton form for jury trials in municipal courts; 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 175.011 is hereby amended to read as follows:
2 175.011 1. In a district court, cases required to be tried by
3 jury must be so tried unless the defendant waives a jury trial in
4 writing with the approval of the court and the consent of the State. A
5 defendant who pleads not guilty to the charge of a capital offense
6 must be tried by jury.
7 2. *Notwithstanding any other statute or local charter, code,*
8 *ordinance or regulation to the contrary, in a justice’s court or a*
9 *municipal court, a defendant has a statutory right to be tried by*
10 *jury if the defendant:*



1 (a) *Is charged with a misdemeanor which is:*

2 (1) *An act of domestic violence pursuant to NRS 33.018 or*
3 *a violation of an ordinance that prohibits the same or similar*
4 *conduct; or*

5 (2) *A violation of NRS 484.379 or an ordinance that*
6 *prohibits the same or similar conduct; and*

7 (b) *Demands a jury trial, in writing, not less than 30 days*
8 *before trial.*

9 3. In a justice's court, *in any other case where a jury trial is*
10 *required by statute or is otherwise appropriate, as determined by*
11 *the justice's court, the* case must be tried by jury only if the
12 defendant ~~is~~ demands *a jury trial*, in writing , not less than
13 30 days before trial.

14 4. Except as otherwise provided in NRS 4.390 and 4.400, if a
15 case is tried by jury ~~in~~ *in a justice's court*, a reporter must be
16 present who is a certified court reporter and shall report the trial.

17 **Sec. 2.** Chapter 6 of NRS is hereby amended by adding thereto
18 a new section to read as follows:

19 1. *When a case in a municipal court is tried by jury pursuant*
20 *to subsection 2 of NRS 175.011, jurors for such trials must be*
21 *selected from the qualified jurors of the city.*

22 2. *The provisions of law which apply to jury trials in a*
23 *justice's court also apply to jury trials in a municipal court to the*
24 *extent that those provisions may be made applicable.*

25 **Sec. 3.** NRS 266.550 is hereby amended to read as follows:

26 266.550 1. The municipal court shall have such powers and
27 jurisdiction in the city as are now provided by law for justices'
28 courts, wherein any person or persons are charged with the breach
29 or violation of the provisions of any ordinance of such city or of this
30 chapter, of a police or municipal nature. ~~The~~ *Except as otherwise*
31 *provided in subsection 2 of NRS 175.011, the* trial and proceedings
32 in such cases must be summary and without a jury.

33 2. The powers of the municipal court include the power to
34 charge and collect those fees authorized pursuant to NRS 5.073.

35 **Sec. 4.** The provisions of subsection 2 of NRS 175.011, as
36 amended by this act, apply only to a defendant who is charged on or
37 after October 1, 2005.

38 **Sec. 5.** The provisions of NRS 354.599 do not apply to any
39 additional expenses of a local government that are related to the
40 provisions of this act.

