

Amendment No. 24

Assembly Amendment to Assembly Bill No. 63

(BDR 1-398)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

NCA/RRY



Date: 4/5/2009

A.B. No. 63—Makes various changes to provisions regarding justice courts.
(BDR 1-398)



ASSEMBLY BILL NO. 63—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 10, 2008

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions regarding justice courts.
(BDR 1-398)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to justice courts; authorizing the appointment of masters in justice courts under certain circumstances; ~~revising provisions relating to the use of referees in justice courts;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the appointment of masters in justice courts to perform certain duties as approved by the Nevada Supreme Court. The master must possess qualifications which are at least equal to those required of a justice of the peace in the township in which the master is appointed, and the master is entitled to receive a salary or a per diem salary set by the board of county commissioners. However, a master may not preside over: (1) any misdemeanor action for an act of domestic violence, vehicular manslaughter or driving under the influence; or (2) any preliminary hearing for a gross misdemeanor or felony.

~~Section 2 of this bill prohibits a referee in justice court from taking testimony and recommending orders in any action involving vehicular manslaughter. Section 2 also provides that for certain cases involving traffic offenses, the parties do not have the right to file an objection to a sentence imposed by a referee. Finally, section 2 provides that instead of receiving one half of the hourly compensation of a justice of the peace, a referee is entitled to receive a per diem salary set by the board of county commissioners. (NRS 4.255)~~

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

Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any county in which the appointment of masters by a justice court is authorized by the board of county commissioners, the local rules of practice adopted in a justice court within the county may authorize the appointment of one or more masters to perform certain duties that the Supreme Court has approved. If the justice court elects to appoint a master or masters, the local rules

of practice adopted in that court must set forth the selection process for choosing a master.

2. A master appointed pursuant to subsection 1 must possess qualifications that are equal to or greater than the qualifications required of the justice of the peace for the township in which the master is appointed as set forth in NRS 4.010.

3. The Supreme Court shall provide by rule for a course of instruction in the elements of substantive law relating to the duties of any master appointed pursuant to subsection 1.

4. A master appointed pursuant to subsection 1 may not preside over:

(a) Any trial for a misdemeanor constituting:

(1) An act of domestic violence pursuant to NRS 33.018; or

(2) A violation of NRS 484.3775, 484.379 or 484.379778; or

(b) Any preliminary hearing for a gross misdemeanor or felony.

5. A person appointed as a master must take and subscribe to the official oath before acting as a master.

6. A master is entitled to receive a salary or a per diem salary set by the board of county commissioners. The annual sum expended for salaries of masters must not exceed the amount budgeted for those expenses by the board of county commissioners.

Sec. 2. ~~NRS 4.355 is hereby amended to read as follows:~~

~~4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment;~~

~~(a) In any action filed pursuant to NRS 73.010;~~

~~(b) In any action filed pursuant to NRS 33.200 to 33.260, inclusive;~~

~~(c) In any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.3775, 484.379 or 484.379778; or~~

~~(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance;~~

~~2. The referee must meet the qualifications of a justice of the peace as set forth in subsections 1 and 2 of NRS 4.010.~~

~~3. The referee:~~

~~(a) Shall take testimony;~~

~~(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;~~

~~(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and~~

~~(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.~~

~~4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible. [Within] Except as otherwise provided in this subsection, within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record. If the justice of the peace has given the referee the authority to take pleas and impose sentences in cases involving violations of traffic laws under chapter 484 of NRS, then in such cases:~~

~~(a) The parties do not have the right to file a formal objection pursuant to this subsection; and~~

~~(b) The court shall accept the sentence of the referee, unless clearly erroneous, and the judgment may be entered thereon.~~

~~5. A person appointed as a referee must take and subscribe to the official oath before acting as a referee.~~

~~6. A referee [must be paid one half of the hourly compensation of a justice of the peace.] is entitled to receive a per diem salary set by the board of county commissioners. The annual sum expended for salaries of referees must not exceed the amount budgeted for that expense by the board of county commissioners.] (Deleted by amendment.)~~

Sec. 3. This act becomes effective ~~upon passage and approval~~ on July 1, 2009.