

ASSEMBLY BILL NO. 9—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to fees charged and collected in justice courts. (BDR 1-322)

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 courts; revising certain fees in the justice court; requiring the county treasurer to deposit a portion of the fees received from justice courts into a special account to be used for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. Each justice of the peace shall pay to the county treasurer all such fees charged and collected, with certain exceptions. (NRS 4.060) This bill increases the amount of the fees charged and collected by the justice court and revises the tiers upon which certain fees are based.

This bill also requires the county treasurer to deposit 25 percent of the fees received from justices of the peace into a special account administered by the county and maintained for the benefit of the justice courts within the county. The money in the account must be used only: (1) to offset the costs for adding or maintaining new judicial departments; and (2) if any money remains in the account in a fiscal year after satisfying such offset of costs, for other purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.



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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and
NRS 33.017 to 33.100, inclusive, each justice of the peace shall
charge and collect the following fees:

(a) On the commencement of any action or proceeding in the
justice court, other than in actions commenced pursuant to chapter
73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed ~~[\$1,000]~~ \$28.00

~~If the sum claimed exceeds \$1,000 but does~~

~~not exceed~~ \$2,500 50.00

If the sum claimed exceeds \$2,500 but does

not exceed ~~[\$4,500]~~ \$5,000 100.00

~~If the sum claimed exceeds \$4,500 but does~~

~~not exceed \$6,500~~ ~~125.00~~

~~If the sum claimed exceeds \$6,500 but does~~

~~not exceed \$7,500~~ ~~150.00]~~

If the sum claimed exceeds ~~[\$7,500]~~ \$5,000

but does not exceed \$10,000 175.00

In all civil actions for unlawful detainer

pursuant to NRS 40.250 to 40.254,

inclusive 225.00

In all other civil actions ~~[28.00]~~ 50.00

(b) For the preparation and filing of an affidavit and order in an
action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000 ~~[\$25.00]~~ \$45.00

If the sum claimed exceeds \$1,000 but does

not exceed \$2,500 ~~[45.00]~~ 65.00

If the sum claimed exceeds \$2,500 but does

not exceed \$5,000 ~~[65.00]~~ 85.00

(c) On the appearance of any defendant, or any number of
defendants answering jointly, to be paid by the defendant or
defendants on filing the first paper in the action, or at the time of
appearance:

In all civil actions ~~[\$12.00]~~ \$50.00

For every additional defendant, appearing

separately ~~[6.00]~~ 25.00



* A B 9 R 1 *

- 1 (d) No fee may be charged where a defendant or defendants
2 appear in response to an affidavit and order issued pursuant to the
3 provisions of chapter 73 of NRS.
- 4 (e) For the filing of any paper in
5 intervention.....~~[\$6.00]~~ **\$25.00**
- 6 (f) For the issuance of any writ of
7 attachment, writ of garnishment, writ of
8 execution or any other writ designed to
9 enforce any judgment of the court, **other than**
10 **a writ of restitution**.....~~[\$6.00]~~ **\$25.00**
- 11 (g) **For the issuance of any writ of**
12 **restitution**..... **\$75.00**
- 13 (h) For filing a notice of appeal, and
14 appeal bonds~~[\$12.00]~~ **\$25.00**
- 15 One charge only may be made if both
16 papers are filed at the same time.
- 17 ~~[(+)]~~ (i) For issuing supersedeas to a writ
18 designed to enforce a judgment or order of the
19 court~~[\$12.00]~~ **\$25.00**
- 20 ~~[(+)]~~ (j) For preparation and transmittal of
21 transcript and papers on appeal~~[\$12.00]~~ **\$25.00**
- 22 ~~[(+)]~~ (k) For celebrating a marriage and
23 returning the certificate to the county recorder
24 or county clerk **\$50.00**
- 25 ~~[(+)]~~ (l) For entering judgment by
26 confession~~[\$6.00]~~ **\$50.00**
- 27 ~~[(+)]~~ (m) For preparing any copy of any
28 record, proceeding or paper, for each page..... ~~[\$.30]~~ **\$50**
- 29 ~~[(+)]~~ (n) For each certificate of the clerk,
30 under the seal of the court.....~~[\$3.00]~~ **\$5.00**
- 31 ~~[(+)]~~ (o) For searching records or files in
32 his or her office, for each year~~[\$1.00]~~ **\$3.00**
- 33 ~~[(+)]~~ (p) For filing and acting upon each
34 bail or property bond~~[\$40.00]~~ **\$50.00**
- 35 2. A justice of the peace shall not charge or collect any of the
36 fees set forth in subsection 1 for any service rendered by the justice
37 of the peace to the county in which his or her township is located.
- 38 3. A justice of the peace shall not charge or collect the fee
39 pursuant to paragraph ~~[(+)]~~ (k) of subsection 1 if the justice of the
40 peace performs a marriage ceremony in a commissioner township.
- 41 4. Except as otherwise provided by an ordinance adopted
42 pursuant to the provisions of NRS 244.207, the justice of the peace
43 shall, on or before the fifth day of each month, account for and pay
44 to the county treasurer all fees collected **pursuant to subsection 1**
45 during the preceding month, except for the fees the justice of the



1 peace may retain as compensation and the fees the justice of the
2 peace is required to pay to the State Controller pursuant to
3 subsection 5.

4 5. The justice of the peace shall, on or before the fifth day of
5 each month, pay to the State Controller:

6 (a) An amount equal to \$5 of each fee collected pursuant to
7 paragraph ~~I(6)~~ (k) of subsection 1 during the preceding month. The
8 State Controller shall deposit the money in the Account for Aid for
9 Victims of Domestic Violence in the State General Fund.

10 (b) One-half of the fees collected pursuant to paragraph ~~I(6)~~ (p)
11 of subsection 1 during the preceding month. The State Controller
12 shall deposit the money in the Fund for the Compensation of
13 Victims of Crime.

14 6. *The county treasurer shall deposit 25 percent of the fees*
15 *received pursuant to subsection 4 into a special account*
16 *administered by the county and maintained for the benefit of the*
17 *justice courts within the county. The money in that account must*
18 *be used only:*

19 (a) *To offset the costs for adding and maintaining new judicial*
20 *departments, including, without limitation, the cost for additional*
21 *staff; and*

22 (b) *If any money remains in the account in a fiscal year after*
23 *satisfying the purposes set forth in paragraph (a), to:*

24 (1) *Acquire land on which to construct additional facilities*
25 *for the justice courts or a regional justice center that includes the*
26 *justice courts;*

27 (2) *Construct or acquire additional facilities for the justice*
28 *courts or a regional justice center that includes the justice courts;*

29 (3) *Renovate or remodel existing facilities for the justice*
30 *courts or a regional justice center that includes the justice courts;*

31 (4) *Acquire furniture, fixtures and equipment necessitated*
32 *by the construction or acquisition of additional facilities or the*
33 *renovation of an existing facility for the justice courts or a*
34 *regional justice center that includes the justice courts;*

35 (5) *Acquire advanced technology for use in the additional*
36 *or renovated facilities;*

37 (6) *Pay debt service on any bonds issued pursuant to*
38 *subsection 3 of NRS 350.020 for the acquisition of land or*
39 *facilities or the construction or renovation of facilities for the*
40 *justice courts or a regional justice center that includes the justice*
41 *courts; and*

42 (7) *Acquire equipment or additional staff to enhance the*
43 *security of the facilities used by the justice courts, justices of the*
44 *peace, staff of the justice courts and residents of this State who*
45 *access the justice courts.*



- 1 ↪ *Any money remaining in the account at the end of a fiscal year*
- 2 *must be carried forward to the next fiscal year.*
- 3 **Sec. 3.** (Deleted by amendment.)
- 4 **Sec. 4.** (Deleted by amendment.)
- 5 **Sec. 5.** This act becomes effective on July 1, 2011.

