

## Amendment No. 153

Assembly Amendment to Assembly Bill No. 9

(BDR 1-322)

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 9 (§ 2).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

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 underlining* is newly added transitory language.

MNM/BAW



Date: 4/13/2011

A.B. No. 9—Provides for the collection of additional fees in justice courts.  
(BDR 1-322)



## ASSEMBLY BILL NO. 9—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—~~[Provides for the collection of additional]~~ 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; ~~[requiring a justice of the peace to charge and collect certain additional fees;]~~ revising certain ~~[civil filing]~~ 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) ~~[Section 2 of this]~~ This bill increases the amount of the fees charged and collected by ~~[revising]~~ the justice court and revises the tiers upon which ~~[the]~~ certain fees are based.

~~[Section 1 of this bill requires each justice of the peace to charge and collect additional fees for various civil actions, proceedings and filings in the justice court. Fifty percent of the additional fees collected must be deposited in a special account administered by the county for the sole benefit of the justice courts in the county, subject to judicial oversight, and must not be used to supplant existing appropriations made to the justice courts within the county.]~~ 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.

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. Except as otherwise provided in this section and by specific statute and in addition to any other fee required by law, including, without limitation, any fees required by NRS 4.060, 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.....\$22.00~~

~~If the sum claimed exceeds \$1,000 but does not exceed \$10,000.....\$0.00~~

~~In all civil actions for unlawful detainer pursuant to NRS 40.250~~

~~to 40.254, inclusive.....225.00~~

~~In all other civil actions.....22.00~~

~~(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 \$5,000.....\$20.00~~

~~(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.....\$13.00~~

~~For every additional defendant, appearing separately.....9.00~~

~~(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.~~

~~(e) For the filing of any paper in intervention.....\$0.00~~

~~(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution.....\$19.00~~

~~(g) For filing a notice of appeal, and appeal bonds.....\$9.00~~

~~One charge only may be made if both papers are filed at the same time.~~

~~(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court.....\$8.00~~

~~(i) For preparation and transmittal of transcript and papers on appeal.....\$8.00~~

~~(j) For entering judgment by confession.....\$44.00~~

~~(k) For preparing any copy of any record, proceeding or paper, for each page.....\$2.00~~

~~(l) For each certificate of the clerk, under the seal of the court.....\$2.00~~

~~(m) For searching records or files in his or her office, for each year.....\$2.00~~

~~(n) For filing and acting upon each bail or property bond.....\$10.00~~

~~(o) For the issuance of any writ of restitution.....\$75.00~~

~~2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.~~

~~3. The justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month pursuant to subsection 1.~~

~~4. The county treasurer shall deposit 50 percent of the fees received each month pursuant to subsection 3 into a special account administered by the county for the sole benefit of the justice courts within the county, subject to judicial oversight. The money deposited:~~

~~(a) Must not be used to supplant existing appropriations made to the justice courts within the county;~~

~~(b) Must be carried over to the next fiscal year if any balance remains at the end of the fiscal year; and~~

~~(c) Must not revert to the county general fund.] (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

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention ..... ~~[\$6.00]~~ \$25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution ..... ~~[\$6.00]~~ \$25.00

1	(g) <u>For the issuance of any writ of restitution.....</u>	<u>\$75.00</u>
2	(h) <u>For filing a notice of appeal, and appeal bonds.....</u>	<u><del>[\$12.00]</del> \$25.00</u>
3	One charge only may be made if both papers are filed at the same time.	
4	<del>[(h)]</del> (i) <u>For issuing supersedeas to a writ designed to enforce a</u>	
5	<u>judgment or order of the court.....</u>	<u><del>[\$12.00]</del> \$25.00</u>
6	<del>[(i)]</del> (j) <u>For preparation and transmittal of transcript and papers</u>	
7	<u>on appeal .....</u>	<u><del>[\$12.00]</del> \$25.00</u>
8	<del>[(j)]</del> (k) <u>For celebrating a marriage and returning the certificate</u>	
9	<u>to the county recorder or county clerk.....</u>	<u>\$50.00</u>
10	<del>[(k)]</del> (l) <u>For entering judgment by confession.....</u>	<u><del>[\$6.00]</del> \$50.00</u>
11	<del>[(l)]</del> (m) <u>For preparing any copy of any record, proceeding or</u>	
12	<u>paper, for each page .....</u>	<u><del>[\$.20]</del> \$.50</u>
13	<del>[(m)]</del> (n) <u>For each certificate of the clerk, under the seal of the</u>	
14	<u>court .....</u>	<u><del>[\$3.00]</del> \$5.00</u>
15	<del>[(n)]</del> (o) <u>For searching records or files in his or her office, for</u>	
16	<u>each year .....</u>	<u><del>[\$1.00]</del> \$3.00</u>
17	<del>[(o)]</del> (p) <u>For filing and acting upon each bail or property</u>	
18	<u>bond.....</u>	<u><del>[\$40.00]</del> \$50.00</u>

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph ~~[(k)]~~ (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

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

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

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

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

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

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

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

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

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

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

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

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for 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; and

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

Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

**Sec. 3.** ~~[NRS 4.100 is hereby amended to read as follows:~~

~~4.100 1. On the first Mondays of January, April, July and October, the justices of the peace who receive fees pursuant to the provisions of NRS 4.060, 4.063 and 4.065 and section 1 of this act shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.~~

~~2. This section does not require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.]~~ **(Deleted by amendment.)**

**Sec. 4.** ~~[NRS 4.140 is hereby amended to read as follows:~~

~~4.140 All fees prescribed in NRS 4.060, 4.063 and 4.065 and section 1 of this act must be paid in advance, if demanded. If a justice of the peace has not received any or all of his or her fees, which are due the justice of the peace for services rendered by the justice of the peace in any suit or proceedings, the justice of the peace may have execution therefor in his or her own name against the party from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.]~~ **(Deleted by amendment.)**

**Sec. 5.** This act becomes effective on July 1, 2011.