

SENATE BILL NO. 24—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning writs of execution in justice courts. (BDR 6-321)

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 provisions concerning writs of execution in justice courts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a writ of execution in a justice court may be issued
2 by the justice of the peace who entered the judgment or any successor in office.
3 (NRS 70.010) A justice of the peace may also renew such a writ of execution.
4 (NRS 70.030) Additionally, existing law requires that a writ of execution in a
5 justice court must contain certain information. (NRS 70.020)
6 **Sections 1 and 2** of this bill authorize the clerk of the justice court, rather than
7 a justice of the peace, to issue writs of execution in the justice court. **Section 2** also
8 revises the required information that such a writ of execution must contain. **Section**
9 **3** of this bill provides that in addition to issuing writs of execution, the clerk of the
10 justice court may also renew writs of execution.

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

1 **Section 1.** NRS 70.010 is hereby amended to read as follows:
2 70.010 1. Execution for the enforcement of a judgment of a
3 justice court may be issued by the ~~justice who entered the~~
4 ~~judgment, or any successor in office,~~ *clerk of the court* on the
5 application of the party entitled thereto, at any time within 6 years
6 from the entry of judgment.



2. The court, or any justice thereof, may stay the execution of any judgment, including any judgment in a case of forcible or unlawful detainer, for a period not exceeding 10 days.

Sec. 2. NRS 70.020 is hereby amended to read as follows:

70.020 The execution must:

1. Be directed to a sheriff of any county in the State or to a constable of the county in which the justice court is located.

2. Be ~~{subscribed by the justice.}~~ *issued in the name of the State of Nevada, sealed with the seal of the court and subscribed by the clerk of the justice court.*

3. ~~{Bear date the day of its delivery to the officer.~~

~~—4.}~~ Intelligibly refer to the judgment, by stating the ~~{names}~~ :

(a) *Justice court in which the judgment was entered;*

(b) *Date when the judgment was entered;*

(c) *Names of the parties {, and the name} ;*

(d) *Name of the justice {before whom, and of the county} who entered the judgment; and*

(e) *County and the township or city where {, and the time when it was rendered.*

~~—5.}~~ *the judgment was entered.*

4. State the ~~{amount of}~~ judgment, *and* if it ~~{be}~~ *is* for money, ~~{and, if less than the whole is due,}~~ the ~~{true}~~ amount *thereof, and the amount actually* due thereon.

~~{6.}~~ 5. Contain, in like cases, similar directions to the sheriff or constable, as are required by the provisions of chapter 21 of NRS, in an execution to the sheriff.

Sec. 3. NRS 70.030 is hereby amended to read as follows:

70.030 An execution may, at the request of the judgment creditor, be renewed before the expiration of the time fixed for its return, by the word “renewed” written thereon, with the date thereof, and subscribed by the ~~{justice.}~~ *clerk of the justice court.* Such renewal has the effect of an original issue ~~{}~~ and may be repeated as often as necessary. If an execution is returned unsatisfied, another may be afterwards issued.

Sec. 4. NRS 70.050 is hereby amended to read as follows:

70.050 ~~{The}~~ *Except as otherwise provided in this chapter, the* provisions of chapter 21 of NRS are applicable to justice courts, the word “justice” being inserted in lieu of the ~~{words}~~ word “judge” ~~{and “clerk” whenever they occur,}~~ *wherever the word appears* and the word “constable” being ~~{substituted to that end for}~~ *inserted in lieu of* the word ~~{“sheriff.”}~~ *“sheriff” wherever the word appears.*

Sec. 5. This act becomes effective upon passage and approval.

