

ASSEMBLY BILL NO. 47—COMMITTEE ON JUDICIARY

(ON BEHALF OF CLARK COUNTY)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Provides for two or more small townships in larger counties to share a justice of the peace. (BDR 1-393)

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 justice courts; authorizing the board of county commissioners of larger counties to provide by resolution for a circuit justice of the peace to serve two or more small townships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that there must be one justice court in each township in this State, for which there must be elected at least one justice of the peace by the qualified electors of the township. (NRS 4.020) Existing law prohibits a person from being a candidate for the office of justice of the peace of a township unless the person has actually resided in the township for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office. (NRS 281.050, 293.1755)

Section 1 of this bill authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to provide by resolution that two or more small townships, whose population is less than 100,000, are to be served by one circuit justice of the peace who is elected by the qualified electors of the small townships to be served by the circuit justice of the peace.

Section 2 of this bill requires a candidate for the office of circuit justice of the peace to have actually resided in one of the small townships to be served by the circuit justice of the peace for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office. Under **section 1**, a circuit justice of the peace elected under this bill is deemed to be the justice of the peace of each small township he or she serves.



* A B 4 7 *

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

- 1 **Section 1.** NRS 4.020 is hereby amended to read as follows:
2 4.020 1. ~~{There}~~ *Except as otherwise provided in subsection*
3 *4, there* must be one justice court in each of the townships of the
4 State, for which there must be elected by the qualified electors of the
5 township at least one justice of the peace. Except as otherwise
6 provided in subsection 3, the number of justices of the peace in a
7 township must be increased according to the population of the
8 township, as certified by the Governor in even-numbered years
9 pursuant to NRS 360.285, in accordance with and not to exceed the
10 following schedule:
- 11 (a) In a county whose population is 700,000 or more:
12 (1) In a township whose population is less than 1,100,000,
13 one justice of the peace for each 100,000 population of the
14 township, or fraction thereof, until the township has four justices of
15 the peace, and thereafter, one justice of the peace for each 125,000
16 population of the township, or fraction thereof, over a population of
17 300,000; and
18 (2) In a township whose population is 1,100,000 or more,
19 one justice of the peace for each 100,000 population of the
20 township, or fraction thereof, up to a population of 1,100,000, and
21 thereafter, one justice of the peace for each 125,000 population of
22 the township, or fraction thereof, over a population of 1,100,000.
23 (b) In a county whose population is 100,000 or more and less
24 than 700,000, one justice of the peace for each 50,000 population of
25 the township, or fraction thereof.
26 (c) In a county whose population is less than 100,000, one
27 justice of the peace for each 34,000 population of the township, or
28 fraction thereof.
29 (d) If a township includes a city created by the consolidation of
30 a city and county into one municipal government, one justice of the
31 peace for each 30,000 population of the township, or fraction
32 thereof.
- 33 2. Except as otherwise provided in subsection 3, if the schedule
34 set forth in subsection 1 provides for an increase in the number of
35 justices of the peace in a township, the new justice or justices of the
36 peace must be elected at the next ensuing biennial election.
- 37 3. If the schedule set forth in subsection 1 provides for an
38 increase in the number of justices of the peace in a township and, in
39 the opinion of a majority of the justices of the peace in that
40 township, the caseload does not warrant an additional justice of the
41 peace, the justices of the peace shall notify the Director of the
42 Legislative Counsel Bureau and the board of county commissioners



1 of their opinion on or before March 15 of the even-numbered year in
2 which the population of the township provides for such an increase.
3 The Director of the Legislative Counsel Bureau shall submit the
4 opinion to the next regular session of the Legislature for its
5 consideration. If the justices of the peace transmit such a notice to
6 the Director of the Legislative Counsel Bureau and the board of
7 county commissioners, the number of justices must not be increased
8 during that period unless the Legislature, by resolution, expressly
9 approves the increase.

10 4. *The board of county commissioners of a county whose*
11 *population is 700,000 or more may, by resolution, determine that*
12 *two or more small townships are to be served by one circuit justice*
13 *of the peace who is elected by the qualified electors of the small*
14 *townships. A circuit justice of the peace is deemed to be the justice*
15 *of the peace of each small township served by the circuit justice of*
16 *the peace. A resolution adopted by a board of county*
17 *commissioners pursuant to this subsection must:*

18 (a) *State the small townships to be served by a circuit justice of*
19 *the peace.*

20 (b) *State the first election at which a circuit justice of the peace*
21 *will be elected.*

22 (c) *Allow sufficient time to perform all administrative tasks*
23 *necessary to conduct the election of the circuit justice of the peace.*

24 (d) *Provide that a justice of the peace of a small township to be*
25 *served by a circuit justice of the peace will continue in office until*
26 *the expiration of the term for which he or she was elected and*
27 *until the circuit justice of the peace is elected and qualified.*

28 5. *If a board of county commissioners adopts a resolution*
29 *pursuant to subsection 4, the board may reverse or alter the*
30 *resolution by adopting a new resolution setting forth the reversal*
31 *or alteration. A resolution reversing a resolution adopted pursuant*
32 *to subsection 4 or providing that a small township is no longer to*
33 *be served by a circuit justice of the peace must not become*
34 *effective until the expiration of the term for which the circuit*
35 *justice of the peace is elected.*

36 6. Justices of the peace shall receive certificates of election
37 from the boards of county commissioners of their respective
38 counties.

39 ~~15-1~~ 7. The clerk of the board of county commissioners shall,
40 within 10 days after the election or appointment and qualification of
41 any justice of the peace, certify under seal to the Secretary of State
42 the election or appointment and qualification of the justice of the
43 peace. The certificate must be filed in the Office of the Secretary of
44 State as evidence of the official character of that officer.



1 8. *As used in this section, "small township" means a*
2 *township whose population is less than 100,000.*

3 Sec. 2. NRS 293.1755 is hereby amended to read as follows:

4 293.1755 1. ~~[[H]]~~ *Except as otherwise provided in this*
5 *subsection, in* addition to any other requirement provided by law,
6 no person may be a candidate for any office unless, for at least the
7 30 days immediately preceding the date of the close of filing of
8 declarations of candidacy or acceptances of candidacy for the office
9 which the person seeks, the person has, in accordance with NRS
10 281.050, actually, as opposed to constructively, resided in the State,
11 district, county, township or other area prescribed by law to which
12 the office pertains and, if elected, over which he or she will have
13 jurisdiction or will represent. *In addition to any other requirement*
14 *provided by law, if, pursuant to subsection 4 of NRS 4.020, the*
15 *board of county commissioners of a county whose population is*
16 *700,000 or more has adopted a resolution providing that two or*
17 *more small townships are to be served by a circuit justice of the*
18 *peace, no person may be a candidate for the office of circuit*
19 *justice of the peace unless, for at least the 30 days immediately*
20 *preceding the date of the close of filing of declarations of*
21 *candidacy or acceptances of candidacy for the office, the person*
22 *has, in accordance with NRS 281.050, actually, as opposed to*
23 *constructively, resided in one of the small townships to be served*
24 *by the circuit justice of the peace.*

25 2. Any person who knowingly and willfully files an acceptance
26 of candidacy or declaration of candidacy which contains a false
27 statement in this respect is guilty of a gross misdemeanor.

28 3. The provisions of this section do not apply to candidates for
29 the office of district attorney.

30 4. *As used in this section, "small township" means a*
31 *township whose population is less than 100,000.*

32 Sec. 3. This act becomes effective on July 1, 2013.

