

ASSEMBLY BILL NO. 54—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to fees charged and collected in justice courts. (BDR 1-388)

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 certain 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 not be used to supplant existing budgets for the support or operation of the justice courts within the county, and must be used only: (1) for purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a multi-use facility that includes the justice courts; (2) to acquire advanced technology for the use of the justice courts; (3) to 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; and (4) to pay for staff to support the operation of the justice courts.



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

1 **Section 1.** NRS 4.060 is hereby amended to read as follows:
2 4.060 1. Except as otherwise provided in this section and
3 NRS 33.017 to 33.100, inclusive, each justice of the peace shall
4 charge and collect the following fees:
5 (a) On the commencement of any action or proceeding in the
6 justice court, other than in actions commenced pursuant to chapter
7 73 of NRS, to be paid by the party commencing the action:

8
9 If the sum claimed does not exceed ~~1~~\$1,000 ~~28.00~~
10 ~~If the sum claimed exceeds \$1,000 but does~~
11 ~~not exceed~~ \$2,500 \$ 50.00
12 If the sum claimed exceeds \$2,500 but does
13 not exceed ~~4~~\$4,500 ~~5~~\$5,000 100.00
14 ~~If the sum claimed exceeds \$4,500 but does~~
15 ~~not exceed \$6,500.....~~125.00
16 ~~If the sum claimed exceeds \$6,500 but does~~
17 ~~not exceed \$7,500.....~~150.00
18 If the sum claimed exceeds ~~7~~\$7,500 ~~8~~\$5,000
19 but does not exceed \$10,000 175.00
20 *In all civil actions for unlawful detainer*
21 *pursuant to NRS 40.250 to 40.254,*
22 *inclusive.....*225.00
23 In all other civil actions ~~28.00~~ 50.00
24

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

27
28 If the sum claimed does not exceed \$1,000.... ~~25.00~~ \$45.00
29 If the sum claimed exceeds \$1,000 but does
30 not exceed \$2,500..... ~~45.00~~ 65.00
31 If the sum claimed exceeds \$2,500 but does
32 not exceed \$5,000..... ~~65.00~~ 85.00
33 If the sum claimed exceeds \$5,000 but does
34 not exceed \$7,500..... 125.00
35

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



1 In all civil actions ~~[\$12.00]~~ \$50.00
2 For every additional defendant, appearing
3 separately..... ~~[\$6.00]~~ 25.00
4

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

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

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

13 (g) *For the issuance of any writ of restitution* \$75.00

14 (h) For filing a notice of appeal, and appeal
15 bonds..... ~~[\$12.00]~~ \$25.00

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

18 ~~[(h)]~~ (i) For issuing supersedeas to a writ
19 designed to enforce a judgment or order of the
20 court..... ~~[\$12.00]~~ \$25.00

21 ~~[(i)]~~ (j) For preparation and transmittal of
22 transcript and papers on appeal..... ~~[\$12.00]~~ \$25.00

23 ~~[(j)]~~ (k) For celebrating a marriage and
24 returning the certificate to the county recorder or
25 county clerk..... \$50.00

26 ~~[(k)]~~ (l) For entering judgment by confession ~~[\$6.00]~~ \$50.00

27 ~~[(l)]~~ (m) For preparing any copy of any
28 record, proceeding or paper, for each page..... ~~[\$.30]~~ \$1.00

29 ~~[(m)]~~ (n) For each certificate of the clerk,
30 under the seal of the court..... \$3.00

31 ~~[(n)]~~ (o) For searching records or files in his
32 or her office, for each year..... \$1.00

33 ~~[(o)]~~ (p) For filing and acting upon each bail
34 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 ~~[(j)]~~ (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 ~~1(k)~~ (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 ~~1(p)~~ (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 *not be used to supplant existing budgets for the support or*
19 *operation of the justice courts within the county, and must be used*
20 *only to:*

21 (a) *Acquire land on which to construct additional facilities or*
22 *a portion of a facility for the justice courts or a multi-use facility*
23 *that includes the justice courts;*

24 (b) *Construct or acquire additional facilities or a portion of a*
25 *facility for the justice courts or a multi-use facility that includes*
26 *the justice courts;*

27 (c) *Renovate, remodel or expand existing facilities or a portion*
28 *of an existing facility for the justice courts or a multi-use facility*
29 *that includes the justice courts;*

30 (d) *Acquire furniture, fixtures and equipment necessitated by*
31 *the construction or acquisition of additional facilities or a portion*
32 *of a facility or the renovation, remodeling or expansion of an*
33 *existing facility or a portion of an existing facility for the justice*
34 *courts or a multi-use facility that includes the justice courts;*

35 (e) *Acquire advanced technology for the use of the justice*
36 *courts;*

37 (f) *Acquire equipment or additional staff to enhance the*
38 *security of the facilities used by the justice courts, justices of the*
39 *peace, staff of the justice courts and residents of this State who*
40 *access the justice courts;*

41 (g) *Pay for staff to support the operation of the justice courts;*
42 *and*

43 (h) *Pay debt service on any bonds issued pursuant to*
44 *subsection 3 of NRS 350.020 for the acquisition of land or*
45 *facilities or for the construction, renovation, remodeling or*



- 1 *expansion of facilities for the justice courts or a multi-use facility*
- 2 *that includes the justice courts.*
- 3 *↪ Any money remaining in the account at the end of a fiscal year*
- 4 *must be carried forward to the next fiscal year.*
- 5 **Sec. 2.** This act becomes effective on July 1, 2013.

