

ASSEMBLY BILL NO. 44—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing judgments by confession. (BDR 6-491)

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 judgments; revising provisions governing judgments by confession in justice courts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes judgments upon confession to be entered in any justice
2 court specified in the confession. (NRS 68.050) This bill requires a written
3 statement, signed by the defendant, to accompany such a judgment. The statement
4 must include the facts on which the confession is based and the amount of debt due
5 or contingent liability for which the judgment will be entered. This bill further
6 provides that the written statement must be filed with the clerk of the court, and that
7 the judgment may not be amended to include additional costs or attorney's fees
8 incurred after the date of entry of the judgment.

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

1 **Section 1.** NRS 68.050 is hereby amended to read as follows:
2 68.050 ~~Judgments upon~~
3 *1. Except as otherwise provided by law, a judgment by*
4 *confession may be entered ~~up~~ without action, either for money*
5 *due or to become due or to secure any person against contingent*
6 *liability on behalf of the defendant, or both,* in any justice court
7 specified in the confession.



2. A judgment by confession entered pursuant to subsection 1 must be accompanied by a statement in writing, signed by the defendant and verified by the defendant's oath. The statement must:

(a) Authorize the entry of judgment for a specified sum, inclusive of costs and attorney's fees;

(b) If it authorizes the entry of judgment for money that is due or will become due, state concisely the facts on which the confession is based, and show that the sum confessed therefor is justly due or will become due; and

(c) If it authorizes the entry of judgment for the purpose of securing the plaintiff against a contingent liability, state concisely the facts constituting the liability, and show that the sum confessed therefor does not exceed such liability.

3. The statement described in subsection 2 must be filed with the clerk of the court in which the judgment is to be entered. The clerk shall endorse the statement and enter judgment for the amount confessed, at which time the judgment and statement, with the judgment endorsed, become the judgment roll.

4. A judgment by confession entered pursuant to this section may not be subsequently amended to include additional costs or attorney's fees incurred after the date of entry of judgment. This limitation does not prohibit parties from entering into stipulations for payment plans or stipulations for judgments with specific amounts due.

Sec. 2. NRS 17.090 is hereby amended to read as follows:

17.090 ~~[A]~~ Except as otherwise provided by law, a judgment by confession may be entered without action, either for money due or to become due or to secure any person against contingent liability on behalf of the defendant, or both, in the manner prescribed by this section and NRS 17.100 and 17.110.

