

ASSEMBLY BILL NO. 66—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises the qualifications of justices of the peace in certain townships. (BDR 1-492)

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 justices of the peace; revising the qualifications of justices of the peace in certain townships; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that in a county whose population is 700,000 or more (currently Clark County), a justice of the peace in a township whose population is 100,000 or more is required to be an attorney who: (1) is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and (2) has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment. The same requirements are imposed upon a justice of the peace in a township whose population is 250,000 or more in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 4.010)

**Section 1** of this bill revises these provisions and provides that the requirements apply to a justice of the peace in a township whose population is 100,000 or more in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

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

**Section 1.** NRS 4.010 is hereby amended to read as follows:  
4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial



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office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education. ~~and:~~

~~(a)~~ 3. In a county whose population is ~~[700,000]~~ 100,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who ~~[is]~~:

(a) ~~Is~~ licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and ~~[has]~~

(b) ~~Has~~ been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

~~[(b) In a county whose population is less than 700,000, a justice of the peace in a township whose population is 250,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.]~~

~~— 3. Subsection 2 does]~~

4. ~~Subsections 2 and 3 do~~ not apply to any person who held the office of justice of the peace on June 30, 2001.

**Sec. 2.** NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120; or

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in ~~[subsections 1 and 2 of]~~ NRS 4.010.

3. The referee:

(a) Shall take testimony;

(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;



(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

**Sec. 3.** The amendatory provisions of this act do not abrogate or affect the current term of office of any justice of the peace who is serving in that office on October 1, 2015.

