

ASSEMBLY BILL NO. 69—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to the Judicial Branch of State Government. (BDR 1-497)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to courts; revising provisions governing the recycling of paper and paper products by courts; revising provisions governing the duties of court clerks and justices of the peace in relation to the fees charged by those officials; revising provisions governing the collection and reporting of certain statistical information by district courts, justice courts and municipal courts; changing the term “county clerk” to “clerk of the court” in certain statutes relating to the fees charged by clerks of the district courts; removing provisions requiring courts to provide to the Court Administrator certain orders relating to bail forfeitures; repealing provisions governing an offer of judgment; repealing the requirement that the Nevada Supreme Court decide an appeal from a judgment imposing the death penalty within a certain period; repealing provisions governing the selection of panels of jurors by boards of county commissioners; revising various other provisions relating to court administration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires courts, the Legislative Counsel Bureau, state agencies,
- 2 school districts and the Nevada System of Higher Education to recycle paper and
- 3 paper products unless a waiver is granted because the cost of recycling is
- 4 unreasonable or would place an undue burden on the entity. (NRS 1.115, 218F.310,
- 5 232.007, 386.4159, 396.437) To obtain such a waiver: (1) the Nevada Supreme



Court must apply to the Interim Finance Committee; (2) a district court or justice court must apply to the board of county commissioners of the county in which the court is located; and (3) a municipal court must apply to the governing body of the city in which it is located. (NRS 1.115) **Section 1** of this bill removes existing provisions regarding a waiver of the requirement for courts to recycle and, instead, requires courts to recycle to the extent reasonably possible.

Existing law requires the Clerk of the Supreme Court to post in a conspicuous place in his or her office a table of the fees charged by the Clerk. (NRS 2.250) **Section 2** of this bill requires the table of fees to be posted by conventional or electronic means and requires the table of fees to be posted on the Internet website of the Clerk.

Existing law requires district courts, justice courts and municipal courts to submit to the Court Administrator a report of statistical information concerning the workload of those courts. (NRS 3.243, 4.175, 5.045) Existing law further requires the clerk of a district court to obtain and file certain information concerning the nature of each criminal and civil case filed with the court. (NRS 3.275) **Sections 3, 4, 8 and 10** of this bill amend these provisions to require district courts, justice courts and municipal courts to submit a report of statistical information to the Court Administrator pursuant to the uniform system for collecting and compiling statistical information concerning the State Court System which is prescribed by the Supreme Court.

Existing law requires each justice of the peace to charge and collect certain fees and to pay those fees to the county treasurer not later than the first Monday of each month. (NRS 4.063, 4.065, 4.071) **Sections 4.2, 4.4 and 4.6** of this bill require that the fees be paid on or before the fifth day of the month. Under existing law, a justice of the peace is required to pay to the county treasurer the amount of each fine that is paid or bail that is forfeited within 30 days after such payment or forfeiture. (NRS 176.285) **Section 35.5** of this bill requires such payments to be made on or before the fifth day of the month immediately following the month in which the fine is paid or the bail forfeited.

Existing law contains various provisions governing the fees charged by justices of the peace and clerks of the district court and imposes certain penalties for the failure to comply with these provisions. (NRS 4.080-4.140, 19.040-19.110) **Sections 5 and 31** of this bill specifically authorize justices of the peace and clerks of the district courts to maintain in electronic format the fee book required by existing law. **Sections 6 and 32** of this bill require justices of the peace and clerks of the district courts to submit to the county official designated by the board of county commissioners a monthly financial statement of the fees collected by them rather than a quarterly financial statement. **Sections 7 and 27** of this bill require justices of the peace and clerks of the district courts to post tables of fees: (1) by conventional or electronic means in their offices; and (2) on their Internet websites. **Section 9** of this bill specifically authorizes a justice of the peace to keep his or her docket in written or electronic format.

Existing law authorizes jurors to be selected by a jury commissioner designated by the district court or, in counties where there is no jury commissioner, by the board of county commissioners. (NRS 6.045-6.090) **Sections 11 and 41** of this bill remove provisions relating to the selection of jurors by a board of county commissioners.

Under existing law, county clerks are ex officio clerks of the district court in and for their counties. (Nev. Const. Art. 4, § 32; NRS 3.250, 246.060) The Nevada Supreme Court has ruled that “[a] district court may exercise control over the court clerk’s office either directly, by assuming all or part of the court clerk’s functions, or indirectly, by supervising the county clerk in the performance of his or her duties as the ex officio court clerk.” (*State ex rel. Harvey v. Second Jud. Dist. Ct.*, 117 Nev. 754, 772 (2001)) **Sections 12-33 and 35** of this bill change the term “county



* A B 6 9 R 2 *

clerk” to “clerk of the court” in various statutes relating to the fees charged for the filing of certain documents in the district court and other services provided by the clerk of a district court.

Under existing law, a person may register an order for protection against domestic violence issued by a court in another state by presenting a certified copy of the order to the clerk of the court in a judicial district in which the person believes that enforcement may be necessary. (NRS 33.090) **Section 34** of this bill: (1) provides that such an order may be registered in a court of competent jurisdiction in the judicial district in which the person believes that enforcement may be necessary; and (2) authorizes a copy of such an order to be forwarded by conventional or electronic means to the appropriate law enforcement agency.

Existing law requires a court, upon entering an order of probation or suspension of sentence, to direct the clerk of the court to certify a copy of the records in the case and deliver a copy of the records in the case to the Chief Parole and Probation Officer. (NRS 176A.220) **Section 36** of this bill removes the requirement that the clerk certify a copy of the records and authorizes the clerk to deliver the records to the Chief in writing, by electronic means or by affording the Chief access to an electronic system necessary to retrieve the records.

Sections 37-40 of this bill remove provisions of existing law which require a court to provide to the Court Administrator a copy of: (1) an order of bail forfeiture; (2) an order exonerating a surety of a bail bond; and (3) an order setting aside a bail forfeiture. (NRS 178.508, 178.509, 178.512, 178.514)

Section 41 removes certain provisions of existing law, including provisions: (1) requiring the Clerk of the Supreme Court to publish a list of certain cases in a newspaper; (2) governing an offer of judgment; (3) establishing penalties for justices of the peace and county clerks who fail to perform certain duties; (4) requiring justices of the peace to keep records of certain traffic violations; and (5) requiring the Nevada Supreme Court to decide an appeal from a judgment imposing the death penalty within a certain period.

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

Section 1. NRS 1.115 is hereby amended to read as follows:

1.115 1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled , *to the extent reasonably possible*, the paper and paper products it uses. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. ~~{A court of justice may apply for a waiver from the requirements of subsection 1. For such a waiver, the Supreme Court or the Court of Appeals must apply to the Interim Finance Committee, a district court or a justice court must apply to the board of county commissioners of the county in which it is located and a municipal court must apply to the governing body of the city in which it is located. A waiver must be granted if it is determined that the cost to recycle or cause to be recycled the paper and paper products used by the court is unreasonable and would place an undue burden on the operations of the court.~~



~~3. The Court Administrator shall, after consulting with the State Department of Conservation and Natural Resources, prescribe the procedure for the disposition of the paper and paper products to be recycled. The Court Administrator may prescribe a procedure for the recycling of other waste materials produced on the premises of the court building.~~

~~4. Any money received by a court of justice for recycling or causing to be recycled the paper and paper products it uses must be paid by the clerk of that court to the State Treasurer for credit to the State General Fund.~~

~~5.]~~ As used in this section:

(a) "Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(b) "Paper product" means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

Sec. 2. NRS 2.250 is hereby amended to read as follows:

2.250 1. The Clerk of the Supreme Court may demand and receive for the services of the Clerk rendered in discharging the duties imposed upon him or her by law the following fees:

(a) Except as otherwise provided in paragraph (d), whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court the sum of \$200.

(b) Except as otherwise provided in paragraph (d), a party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court the sum of \$100.

(c) Except as otherwise provided in paragraph (d), in addition to the fees required pursuant to paragraphs (a) and (b):

(1) Whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or



the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court a court automation fee of \$50.

(2) A party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court a court automation fee of \$50.

➤ The Clerk of the Supreme Court shall remit the fees collected pursuant to this paragraph to the State Controller for credit to a special account in the State General Fund. The State Controller shall distribute the money received to the Office of Court Administrator to be used for advanced and improved technological purposes in the Supreme Court. The special account is restricted to the use specified, and the balance in the special account must be carried forward at the end of each fiscal year. As used in this paragraph, "technological purposes" means the acquisition or improvement of technology, including, without limitation, acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.

(d) No fees may be charged by the Clerk in:

(1) Any action brought in or to the Supreme Court wherein the State of Nevada or any county, city or town thereof, or any officer or commission thereof is a party in his, her or its official or representative capacity, against the State of Nevada, county, city, town, officer or commission;

(2) A habeas corpus proceeding of a criminal or quasi-criminal nature; or

(3) An appeal taken from, or a special proceeding arising out of, a criminal proceeding.

(e) A fee of \$60 for Supreme Court decisions in pamphlet form for each year, or a fee of \$30 for less than a 6 months' supply of decisions, to be collected from each person who requests such decisions, except those persons and agencies set forth in NRS 2.345. The Clerk may charge a reasonable fee to all parties, including, without limitation, the persons and agencies set forth in NRS 2.345, for access to decisions of the Supreme Court compiled in an electronic format.

(f) A fee from a person who requests a photostatic copy or a photocopy print of any paper or document in an amount determined by the justices of the Supreme Court.

2. The Clerk of the Supreme Court shall not charge any fee that is not authorized by law.



* A B 6 9 R 2 *

3. The Clerk of the Supreme Court shall keep a fee book **or electronic record** in which the Clerk shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book **or electronic record, as applicable**, must be open to public inspection in the office of the Clerk.

4. The Clerk of the Supreme Court shall publish and post **by conventional or electronic means**, in some conspicuous place in the Clerk's office **and on the Internet website of the Clerk**, a table of fees for public inspection. ~~[The Clerk shall forfeit a sum of not less than \$20 for each day of his or her omission to do so, which sum with costs may be recovered by any person by filing an action before any justice of the peace of the same county.]~~

5. All fees prescribed in this section must be paid in advance, if demanded. If the Clerk of the Supreme Court has not received any or all of the fees which are due to the Clerk for services rendered in any suit or proceeding, the Clerk may have execution therefor in the Clerk's own name against the party from whom they are due, to be issued from the Supreme Court upon order of a justice thereof or from the Court upon affidavit filed.

6. The Clerk of the Supreme Court shall give a receipt on demand of the party paying a fee. The receipt must specify the title of the cause in which the fee is paid and the date and the amount of the payment.

7. The Clerk of the Supreme Court shall, when depositing with the State Treasurer money received for Court fees, render to the State Treasurer a brief note of the cases in which the money was received.

Sec. 3. NRS 3.243 is hereby amended to read as follows:

3.243 In the time and manner prescribed by the Supreme Court, the Chief Judge of the judicial district or, if the district has no Chief Judge, a district judge designated by mutual consent of the district judges of that district, shall submit to the Court Administrator a report of the statistical information required pursuant to ~~[this section and such other]~~ **the uniform system for collecting and compiling** statistical information ~~[as]~~ **regarding the State Court System which is** prescribed by the Supreme Court. ~~[The report must include, without limitation, statistical information concerning:~~

~~—1. Those cases which are pending and undecided and the judge to whom each case has been assigned;~~

~~—2. The type and number of cases each judge considered during the preceding month;~~

~~—3. The number of cases submitted to each judge during the preceding month;~~



~~4. The number of cases decided by each judge during the preceding month; and~~

~~5. The number of full judicial days in which each judge appeared in court or in chambers in performance of his or her duties during the preceding month.]~~

Sec. 4. NRS 3.275 is hereby amended to read as follows:

3.275 1. The clerk of each district court shall obtain and file information ~~[regarding the nature of each criminal and civil case filed with the district court. If the]~~ *necessary to complete the report of statistical information required by NRS 3.243, including, without limitation, information relating to the referral of a criminal case [is referred] to a specialty court program, [the clerk must obtain and file information regarding the nature of the case and the program to which the defendant was referred.] using the case management system provided by the Court Administrator.*

2. The clerk shall provide a form approved by the Court Administrator for obtaining the information required by subsection 1 ~~[.]~~ *for each civil case filed in the district court.* No ~~[criminal or]~~ civil case may be filed in the district court unless the initial pleading is accompanied by the form, signed by the initiating party or his or her representative. ~~[In addition to the information on the form, the]~~

3. The clerk shall maintain information concerning the disposition of each criminal *and civil* case and, if applicable, whether ~~[the]~~ *a criminal* defendant successfully completed ~~[a]~~ *the* specialty court program ~~[.]~~

~~—3.]~~ *to which he or she was referred.*

4. The clerk shall maintain the information [contained in the form and collected pursuant to subsection 2] described in this section in a [separate system of filing to allow] manner that allows the retrieval of statistics relating to each criminal and civil action filed in the district courts [.] as required to complete the report required by NRS 3.243.

Sec. 4.2. NRS 4.063 is hereby amended to read as follows:

4.063 1. In a county whose population is 100,000 or more, the justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any party in any such action or proceeding for which a fee is required, charge and collect a fee of not less than \$5 but not more than \$10 from the party commencing, answering or appearing in the action or proceeding. The fee required pursuant to this section is in addition to any other fee required by law.

2. On or before the ~~[first Monday]~~ *fifth day* of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to



1 subsection 1 *during the preceding month* for credit to an account
2 for dispute resolution in the county general fund. The money in that
3 account must not be used for purposes other than the programs
4 established pursuant to NRS 3.500 and 244.1607.

5 3. The board of county commissioners of any other county may
6 impose by ordinance an additional filing fee of not more than \$10 to
7 be paid on the commencement of any action or proceeding in the
8 justice court for which a fee is required and on the filing of any
9 answer or appearance in any such action or proceeding for which a
10 fee is required. On or before the fifth day of each month, in a county
11 where this fee has been imposed, the justice of the peace shall
12 account for and pay over to the county treasurer all fees collected
13 during the preceding month pursuant to this subsection for credit to
14 an account for dispute resolution in the county general fund. The
15 money in the account must be used only to support a program
16 established pursuant to NRS 3.500 or 244.1607.

17 **Sec. 4.4.** NRS 4.065 is hereby amended to read as follows:

18 4.065 1. The justice of the peace shall, on the commencement
19 of any action or proceeding in the justice court for which a fee is
20 required, and on the answer or appearance of any defendant in any
21 such action or proceeding for which a fee is required, charge and
22 collect a fee of \$1 from the party commencing, answering or
23 appearing in the action or proceeding. These fees are in addition to
24 any other fee required by law.

25 2. On or before the ~~[first Monday]~~ *fifth day* of each month, the
26 justice of the peace shall pay over to the county treasurer the amount
27 of all fees collected by the justice of the peace pursuant to
28 subsection 1 *during the preceding month* for credit to the State
29 General Fund. Quarterly, the county treasurer shall remit all money
30 so collected to the State Controller, who shall place the money in an
31 account in the State General Fund for use by the Executive Director
32 of the Department of Taxation to administer the provisions of NRS
33 360.283 and 360.289.

34 **Sec. 4.6.** NRS 4.071 is hereby amended to read as follows:

35 4.071 1. In addition to any other fee required by law, in each
36 county that charges a fee pursuant to NRS 19.031 to offset a portion
37 of the costs of providing legal services without a charge to indigent
38 or elderly persons, a board of county commissioners may impose by
39 ordinance a filing fee to offset a portion of the costs of providing pro
40 bono programs and of providing legal services without a charge to
41 abused or neglected children and victims of domestic violence to be
42 remitted to the organization operating the program for legal services
43 that receives the fees charged pursuant to NRS 19.031 for programs
44 for the indigent in an amount not to exceed \$10 to be paid on the
45 commencement of any action or proceeding in the justice court for



1 which a filing fee is required and on the filing of any answer or
2 appearance in any such action or proceeding for which a filing fee is
3 required.

4 2. On or before the ~~[first Monday]~~ **fifth day** of each month, in a
5 county in which a fee has been imposed pursuant to subsection 1,
6 the justice of the peace shall account for and pay over to the county
7 treasurer any such fees collected by the justice of the peace during
8 the preceding month. The county treasurer shall remit quarterly to
9 the organization to which the fees are to be paid pursuant to
10 subsection 1 all the money received by the county treasurer from the
11 justice of the peace.

12 3. Any fees collected pursuant to this section must be used for
13 the benefit of the persons to whom the organization operating the
14 program for legal services that receives money pursuant to this
15 section provides legal services without a charge.

16 **Sec. 5.** NRS 4.090 is hereby amended to read as follows:

17 4.090 The justice of the peace shall keep in his or her office a
18 fee book **or electronic record** in which he or she shall enter in detail
19 the title of the matter, proceeding or action, and the fees charged
20 therein. The fee book **or electronic record, as applicable,** shall be
21 open to public inspection.

22 **Sec. 6.** NRS 4.100 is hereby amended to read as follows:

23 4.100 1. On ~~[the first Mondays of January, April, July and~~
24 ~~October, the justices]~~ **or before the 15th day of each month, a**
25 **justice** of the peace who ~~[receive]~~ **receives** fees pursuant to the
26 provisions of NRS 4.060, 4.063 and 4.065 shall make out and file
27 with the ~~[boards]~~ **county official designated by the board** of county
28 commissioners of ~~[their several counties]~~ **his or her county** a full
29 and correct statement ~~[under oath]~~ of all fees or compensation, of
30 whatever nature or kind, received in ~~[their several]~~ **his or her**
31 official ~~[capacities]~~ **capacity** during the preceding ~~[3 months.]~~
32 **month.** In the statement ~~[they]~~ **, the justice of the peace** shall set
33 forth the cause in which, and the services for which, such fees or
34 compensation were received.

35 2. This section does not require personal attendance in filing
36 statements, which may be transmitted by mail or otherwise directed
37 to the ~~[clerk of]~~ **county official designated by** the board of county
38 commissioners.

39 **Sec. 7.** NRS 4.130 is hereby amended to read as follows:

40 4.130 Any justice of the peace receiving fees as provided by
41 law shall publish and set up **by conventional or electronic means,** in
42 some conspicuous place in his or her office **and on the Internet**
43 **website of the justice court,** a ~~[fee]~~ **table of fees** for public
44 inspection. ~~[A sum not exceeding \$20 for each day of his or her~~
45 ~~omission so to do shall be forfeited, which sum with costs may be~~



~~recovered by any person by an action before any justice of the peace of the same county.]~~

Sec. 8. NRS 4.175 is hereby amended to read as follows:

4.175 In the time and manner prescribed by the Supreme Court, the justice of the peace of a township or, if there is more than one justice of the peace of a township, a justice of the peace designated by mutual consent of the other justices of the peace of that township, shall submit to the Court Administrator a written report of the statistical information required pursuant to ~~[this section and such other]~~ **the uniform system for collecting and compiling** statistical information ~~[as]~~ **regarding the State Court System which is** prescribed by the Supreme Court. ~~[The report must include, without limitation, statistical information concerning:~~

~~—1. Those cases which are pending and undecided and the justice of the peace to whom each case has been assigned;~~

~~—2. The type and number of cases each justice of the peace considered during the preceding month;~~

~~—3. The number of cases submitted to each justice of the peace during the preceding month;~~

~~—4. The number of cases decided by each justice of the peace during the preceding month; and~~

~~—5. The number of full judicial days in which each justice of the peace appeared in court or in chambers in performance of his or her duties during the preceding month.]~~

Sec. 9. NRS 4.230 is hereby amended to read as follows:

4.230 ~~[1.]~~ Every justice must keep a docket, **by conventional or electronic means**, in which the justice must enter:

~~[(a)]~~ **1.** The title of every action or proceeding.

~~[(b)]~~ **2.** The object of the action or proceeding; and if a sum of money be claimed, the amount thereof.

~~[(c)]~~ **3.** The date of the summons, and the time of its return; and if an order to arrest the defendant be made, or a writ of attachment be issued, a statement of the fact.

~~[(d)]~~ **4.** The time when the parties, or either of them, appear, or their nonappearance, if default be made; a minute of the pleadings and motions; if in writing, referring to them; if not in writing, a concise statement of the material parts of the pleading.

~~[(e)]~~ **5.** Every adjournment, stating on whose application and to what time.

~~[(f)]~~ **6.** The demand for a trial by jury, when the same is made, and by whom made, the order for the jury, and the time appointed for the return of the jury and for the trial.

~~[(g)]~~ **7.** The names of the jurors who appear and are sworn, and the names of all witnesses sworn, and at whose request.



~~{(h)}~~ 8. The verdict of the jury, and when received; if the jury disagree and are discharged, the fact of such disagreement and discharge.

~~{(i)}~~ 9. The judgment of the court, specifying the costs included, and the time when rendered.

~~{(j)}~~ 10. The issuing of the execution, when issued and to whom; the renewals thereof, if any, and when made, and a statement of any money paid to the justice, when and by whom.

~~{(k)}~~ 11. The receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

~~{2. The Court Administrator shall prescribe the form of the docket and of any other appropriate records to be kept by the justice, which form may vary from court to court according to the number and kind of cases customarily heard.}~~

Sec. 10. NRS 5.045 is hereby amended to read as follows:

5.045 In the time and manner prescribed by the Supreme Court, the municipal judge of a city or, if there is more than one municipal judge for a city, a municipal judge designated by mutual consent of the other municipal judges of that city, shall submit to the Court Administrator a written report of the statistical information required pursuant to ~~{this section and such other}~~ **the uniform system for collecting and compiling** statistical information ~~{as}~~ **regarding the State Court System which is** prescribed by the Supreme Court. ~~{The report must include, without limitation, statistical information concerning:~~

~~—1. Those cases which are pending and undecided and the municipal judge to whom each case has been assigned;~~

~~—2. The type and number of cases each municipal judge considered during the preceding month;~~

~~—3. The number of cases submitted to each municipal judge during the preceding month;~~

~~—4. The number of cases decided by each municipal judge during the preceding month; and~~

~~—5. The number of full judicial days in which each municipal judge appeared in court or in chambers in performance of his or her duties during the preceding month.}~~

Sec. 11. NRS 6.090 is hereby amended to read as follows:

6.090 1. ~~{To constitute a regular panel of trial jurors for the district court in a county in which the board of county commissioners selects jurors on an annual basis, such number of names as the district judge may direct must be drawn from the jury box. The district judge shall make and file with the county clerk an order that a regular panel of trial jurors be drawn, and the number of jurors to be drawn must be named in the order. The drawing must take place in the office of the county clerk, during regular office~~



hours, in the presence of all persons who may choose to witness it. The panel must be drawn by the district judge and clerk, or, if the district judge so directs, by any one of the county commissioners of the county and the clerk. If the district judge directs that the panel be drawn by one of the county commissioners of the county and the clerk, the district judge shall make and file with the clerk an order designating the name of the county commissioner and fixing the number of names to be drawn as trial jurors and the time at which the persons whose names are so drawn are required to attend in court.

— 2. The drawing, for jurors drawn pursuant to subsection 1, must be conducted as follows:

— (a) The number to be drawn having been previously determined by the district judge, the box containing the names of the jurors must first be thoroughly shaken. It must then be opened and the district judge and clerk, or one of the county commissioners of the county and the clerk, if the district judge has so ordered, shall alternately draw therefrom one ballot until of nonexempt jurors the number determined upon is obtained.

— (b) If the officers drawing the jury deem that the attendance of any juror whose name is drawn cannot be obtained conveniently and inexpensively to the county, by reason of the distance of the juror's residence from the court or other cause, the juror's name may be returned to the box and in its place the name of another juror drawn whose attendance the officers may deem can be obtained conveniently and inexpensively to the county.

— (c) A list of the names obtained must be made out and certified by the officers drawing the jury. The list must remain in the clerk's office subject to inspection by any officer or attorney of the court, and the clerk shall immediately issue a venire.

— 3. Whenever trial jurors are selected by a jury commissioner, the district judge may direct the jury commissioner to summon and assign to that court the number of qualified jurors the jury commissioner determines to be necessary for the formation of the petit jury. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists have been established by the jury commissioner.

[4.] 2. Every person named in the venire must be served by the sheriff personally or by the sheriff or the jury commissioner by mailing a summons to the person, commanding the person to attend as a juror at a time and place designated therein. Mileage is allowed only for personal service. The postage must be paid by the sheriff or the jury commissioner, as the case may be, and allowed him or her as other claims against the county. The sheriff shall make return of the venire at least the day before the day named for their



1 appearance, after which the venire is subject to inspection by any
2 officer or attorney of the court.

3 **Sec. 12.** NRS 6.150 is hereby amended to read as follows:

4 6.150 1. Each person summoned to attend as a grand juror or
5 a trial juror in the district court or justice court is entitled to a fee of
6 \$40 for each day after the second day of jury selection that the
7 person is in attendance in response to the venire or summons,
8 including Sundays and holidays.

9 2. Each grand juror and trial juror in the district court or justice
10 court actually sworn and serving is entitled to a fee of \$40 a day as
11 compensation for each day of service.

12 3. In addition to the fees specified in subsections 1 and 2, a
13 board of county commissioners may provide that, for each day of
14 such attendance or service, each person is entitled to be paid the per
15 diem allowance and travel expenses provided for state officers and
16 employees generally.

17 4. Each person summoned to attend as a grand juror or a trial
18 juror in the district court or justice court and each grand juror and
19 trial juror in the district court or justice court is entitled to receive
20 36.5 cents a mile for each mile necessarily and actually traveled if
21 the home of the person summoned or serving as a juror is 30 miles
22 or more from the place of trial.

23 5. If the home of a person summoned or serving as such a juror
24 is 65 miles or more from the place of trial and the selection, inquiry
25 or trial lasts more than 1 day, the person is entitled to receive an
26 allowance for lodging at the rate established for state employees, in
27 addition to his or her daily compensation for attendance or service,
28 for each day on which the person does not return to his or her home.

29 6. In civil cases, any fee, per diem allowance, travel expense or
30 other compensation due each juror engaged in the trial of the cause
31 must be paid each day in advance to the clerk of the court, or the
32 justice of the peace, by the party who has demanded the jury. If the
33 party paying this money is the prevailing party, the money is
34 recoverable as costs from the losing party. If the jury from any cause
35 is discharged in a civil action without finding a verdict and the party
36 who demands the jury subsequently obtains judgment, the money so
37 paid is recoverable as costs from the losing party.

38 7. The money paid by ~~{a-county}~~ the clerk of the court to
39 jurors for their services in a civil action or proceeding, which the
40 ~~{county}~~ clerk of the court has received from the party demanding
41 the jury, must be deducted from the total amount due them for
42 attendance as such jurors, and any balance is a charge against the
43 county.



Sec. 13. NRS 6.160 is hereby amended to read as follows:

6.160 The ~~county~~ clerk *of the court* in cases in the district court and the deputy clerk of the justice court in cases in the justice court shall keep a payroll, enrolling thereon the names of all jurors, the number of days in attendance and the actual number of miles traveled by the shortest and most practical route in going to and returning from the place where the court is held, and at the conclusion of a trial may:

1. Give a statement of the amounts due to the jurors to the county auditor, who shall draw warrants upon the county treasurer for the payment thereof; or

2. Make an immediate payment in cash of the amount owing to each juror.

➤ These payments must be made from and to the extent allowed by the fees collected from the demanding party, pursuant to the provisions of NRS 6.150, and from and to the extent allowed by any other fees which have been collected pursuant to law. The clerk shall obtain from each juror so paid a receipt signed by him or her and indicating the date of payment, the date of service and the amount paid. A duplicate of this receipt must be immediately delivered to the appropriate county auditor, county recorder or county comptroller.

Sec. 14. Chapter 19 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 19.010 and section 16 of this act have the meanings ascribed to them in those sections.*

Sec. 16. *“Clerk of the court” means:*

1. *In a county where the district court in and for that county has not appointed a clerk, the county clerk when acting as ex officio clerk of the district court.*

2. *In a county where the district court in and for that county has appointed a clerk, the clerk of the district court.*

Sec. 17. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, ~~each~~ the county clerk *or clerk of the court, as applicable*, shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer \$56.00



On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court.....	\$42.00
On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:	
Where the stated value of the estate is more than \$2,500	72.00
Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.	
On the filing of a petition to contest any will or codicil, to be paid by the petitioner	44.00
On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter	44.00
On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants	44.00
For filing a notice of appeal.....	24.00
For issuing a transcript of judgment and certifying thereto.....	3.00
For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk <i>or clerk of the court</i>	0.50
For each certificate of the clerk, under the seal of the court.....	3.00
For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk <i>or clerk of the court</i>	5.00
For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity	15.00
For issuing any certificate under seal, not otherwise provided for.....	6.00



For searching records or files in the office of the county clerk ~~H~~ *or clerk of the court*, for each year, unless such fee is waived by the county clerk *or clerk of the court, as applicable*..... \$0.50
For filing and recording a bond of a notary public, per name 15.00
For entering the name of a firm or corporation in the register of the county clerk..... 20.00

2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk ~~H~~ *or clerk of the court, as applicable*.

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk *or clerk of the court, as applicable*, in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

6. Each county clerk *and clerk of the court* shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 18. NRS 19.030 is hereby amended to read as follows:

19.030 1. Except as otherwise provided by specific statute, on the commencement of any civil action or proceeding in the district court, other than the commencement of a proceeding for an adoption, the ~~{county}~~ clerk of ~~{each county,}~~ *the court*, in addition to any other fees provided by law, shall charge and collect \$32 from the party commencing the action or proceeding.

2. On or before the first Monday of each month, the ~~{county}~~ clerk *of the court* shall pay over to the county treasurer an amount equal to \$32 per civil case commenced as provided in subsection 1, for the preceding calendar month, and the county treasurer shall place that money to the credit of the State *General* Fund. The



county treasurer shall remit quarterly all such fees turned over to the county treasurer by the ~~county~~ clerk *of the court* to the State Controller to be placed by the State Controller in the State General Fund.

Sec. 19. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, ~~each~~ *the* clerk of the court ~~for county clerk, as appropriate,~~ shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer.....\$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants.....\$99

(c) On the filing of a petition for letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is \$200,000 or more.....\$352

(2) Where the stated value of the estate is more than \$20,000 but less than \$200,000.....\$99

(3) Where the stated value of the estate is \$20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto.....\$200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto.....\$1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,



➡ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding..... \$349

(g) On the filing of a third-party complaint, to be paid by the filing party..... \$135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party \$349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court \$10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the **district** court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives



1 the fees charged pursuant to NRS 19.031 for the operation of
2 programs for the indigent; or

3 (9) Be carried forward to the next fiscal year.

4 3. Except as otherwise provided by specific statute, all fees
5 prescribed in this section are payable in advance if demanded by the
6 clerk of the court . ~~{for county clerk.}~~

7 4. Each clerk of the court ~~{for county clerk}~~ shall, on or before
8 the fifth day of each month, account for and pay to the county
9 treasurer:

10 (a) In a county whose population is 100,000 or more, an amount
11 equal to \$10 of each fee collected pursuant to paragraphs (a) and (b)
12 of subsection 1 during the preceding month. The county treasurer
13 shall remit quarterly to the organization operating the program for
14 legal services that receives the fees charged pursuant to NRS 19.031
15 for the operation of programs for the indigent all the money received
16 from the clerk of the court ~~{for county clerk}~~ pursuant to this
17 paragraph.

18 (b) All remaining fees collected pursuant to this section during
19 the preceding month.

20 **Sec. 20.** NRS 19.031 is hereby amended to read as follows:

21 19.031 1. Except as otherwise provided in subsection 2 and
22 NRS 19.034 , in each county in which legal services are provided
23 without charge to indigent or elderly persons through a program for
24 legal aid organized under the auspices of the State Bar of Nevada, a
25 county or local bar association, a county or municipal program for
26 legal services or other program funded by this State or the United
27 States to provide legal assistance, the ~~{county}~~ clerk *of the court*
28 shall, on the commencement of any civil action or proceeding in the
29 district court for which a filing fee is required, and on the filing of
30 any answer or appearance in any such action or proceeding for
31 which a filing fee is required, charge and collect a fee of \$25 from
32 the party commencing or appearing in the action or proceeding.
33 These fees are in addition to any other fees required by law.

34 2. In each county described in subsection 1, the ~~{county}~~ clerk
35 *of the court* shall, on the commencement of any action provided for
36 in chapter 125 of NRS, and on the filing of any answer or
37 appearance in any such action, charge and collect a fee of \$14 from
38 the party commencing or appearing in the action. These fees are in
39 addition to any other fees required by law.

40 3. On or before the first Monday of each month , the ~~{county}~~
41 clerk *of the court* shall pay over to the county treasurer the amount
42 of all fees collected by the ~~{county}~~ clerk *of the court* pursuant to
43 subsections 1 and 2. Except as otherwise provided in subsection 5,
44 the county treasurer shall remit quarterly to the organization



operating the program for legal services all the money received by the county treasurer from the ~~county~~ clerk ~~H~~ of the court.

4. The organization operating the program for legal services shall use any money received pursuant to subsection 3 as follows:

(a) From each \$25 collected pursuant to subsection 1:

(1) Fifteen dollars and fifty cents for the benefit of indigent persons in the county; and

(2) Nine dollars and fifty cents for the benefit of elderly persons in the county.

(b) From each \$14 collected pursuant to subsection 2:

(1) Ten dollars for the benefit of indigent persons in the county; and

(2) Four dollars for the benefit of elderly persons in the county.

5. If the county treasurer receives notice from the State or a political subdivision that an award of attorney's fees or costs has been made to an organization that receives money pursuant to this section and has been paid, the county treasurer shall:

(a) Deduct an amount equal to the award from the amount to be paid to the organization; and

(b) Remit an equal amount to the State or to the political subdivision that paid the fees or costs at the time when the county treasurer would have paid it to the organization.

6. The fees which are collected from a county must be used for the benefit of the indigent or elderly persons in that county.

Sec. 21. NRS 19.0312 is hereby amended to read as follows:

19.0312 1. Except as otherwise provided in subsection 2, in addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed:

(a) Ten dollars to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

(b) Twenty-five dollars to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and on the filing of any answer or response to such a motion or other paper.



2. A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:

(a) A motion filed solely to adjust the amount of support for a child set forth in a final order; or

(b) A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.

3. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the ~~{county}~~ clerk *of the court* shall account for and pay over to the county treasurer any such fees collected by the ~~{county}~~ clerk *of the court* during the preceding month. The county treasurer shall remit quarterly to the organization to which the fees are to be paid pursuant to subsection 1 all the money received by the county treasurer from the ~~{county}~~ clerk *of the court*.

4. Any fees collected pursuant to this section must be used for the benefit of the persons to whom the organization operating the program for legal services that receives money pursuant to this section provides legal services without a charge.

Sec. 22. NRS 19.0313 is hereby amended to read as follows:

19.0313 1. Except as otherwise provided in NRS 19.034, in a county whose population is 100,000 or more, the ~~{county}~~ clerk *of the court* shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect not less than \$5 but not more than \$10 from the party commencing, answering or appearing in the action or proceeding. The fee required pursuant to this section is in addition to any other fee required by law.

2. On or before the first Monday of each month, the ~~{county}~~ clerk *of the court* shall pay over to the county treasurer the amount of all fees collected by the ~~{county}~~ clerk *of the court* pursuant to subsection 1 for use in the programs established in accordance with NRS 3.500 and 244.1607.

3. Except as otherwise provided in NRS 19.034, the board of county commissioners of any other county may impose by ordinance an additional filing fee of not more than \$10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required. On or before the fifth day of each month, in a county where this fee has been imposed, the ~~{county}~~ clerk *of the court* shall account for and pay over to the county treasurer all fees collected during the preceding month pursuant to this subsection for credit to an account for dispute resolution in the county general



fund. The money in the account must be used only to support a program established pursuant to NRS 3.500 or 244.1607.

Sec. 23. NRS 19.0315 is hereby amended to read as follows:

19.0315 1. Except as otherwise provided in NRS 19.034, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, a board of county commissioners may impose by ordinance a filing fee in an amount not to exceed \$15 to offset a portion of the costs of providing programs of alternative dispute resolution on the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the first Monday of each month, the ~~county~~ clerk *of the court* shall pay over to the county treasurer the amount of all fees collected by the ~~county~~ clerk *of the court* pursuant to subsection 1 for credit to an account for court programs for alternative dispute resolution in the county general fund. The money in the account must be used only to support programs for the arbitration of civil actions pursuant to NRS 38.250 and programs for the resolution of disputes through the use of other alternative methods of resolving disputes pursuant to NRS 38.258.

3. The provisions of this section apply only in judicial districts in which a program for alternative dispute resolution has been established pursuant to NRS 38.250 or 38.258.

4. As used in this section, "alternative dispute resolution" means alternative methods of resolving disputes, including, without limitation, arbitration and mediation.

Sec. 24. NRS 19.033 is hereby amended to read as follows:

19.033 1. In each county, on the commencement of any action for divorce in the district court, the ~~county~~ clerk *of the court* shall charge and collect, in addition to other fees required by law, a fee of \$20. The fee must be paid by the party commencing the action.

2. On or before the first Monday of each month, the ~~county~~ clerk *of the court* shall pay over to the county treasurer an amount equal to all fees collected by the ~~county~~ clerk *of the court* pursuant to subsection 1, and the county treasurer shall place that amount to the credit of the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Director of the Department of Employment, Training and Rehabilitation to administer the provisions of NRS 388.605 to 388.655, inclusive.



3. The board of county commissioners of any county may impose by ordinance an additional filing fee of not more than \$6 to be paid by the defendant in an action for divorce, annulment or separate maintenance. In a county where this fee has been imposed:

(a) On the appearance of a defendant in the action in the district court, the {county} clerk ~~{}~~ *of the court*, in addition to any other fees provided by law, shall charge and collect from the defendant the prescribed fee to be paid upon the filing of the first paper in the action by the defendant.

(b) On or before the fifth day of each month, the {county} clerk *of the court* shall account for and pay to the county treasurer all fees collected during the preceding month pursuant to paragraph (a).

Sec. 25. NRS 19.034 is hereby amended to read as follows:

19.034 If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to chapter 127 of NRS, consents to the adoption of a child with special needs pursuant to NRS 127.186, ~~{a county}~~ *the clerk of the court* shall reduce the total filing fee to not more than \$1 for filing the petition to adopt such a child.

Sec. 26. NRS 19.035 is hereby amended to read as follows:

19.035 Notwithstanding any other provision of this chapter, ~~{a county}~~ *the clerk of the court* shall neither charge nor collect any fee for any service rendered by the {county} clerk *of the court* to:

1. The State of Nevada;

2. The county ~~{of}~~ *in* which he or she is {county} clerk ~~{}~~ *of the court*;

3. Any city or town within that county;

4. The school district of that county;

5. Any general improvement district which is located within that county; or

6. Any officer of the State, that county or any such city, town, school district or general improvement district in the officer's official capacity.

Sec. 27. NRS 19.040 is hereby amended to read as follows:

19.040 ~~{1.}~~ Every {county} clerk *of the court* shall publish and set up *by conventional or electronic means*, in some conspicuous place in his or her office *and on the Internet website of the clerk of the court*, a table of fees according to this chapter for the inspection of all persons who have business in the office of the ~~{county clerk}~~.

~~—2.— Any county clerk who fails to comply with the provisions of subsection 1 shall forfeit for each day of omission a sum not exceeding \$20, which, together with costs, may be recovered by any~~



~~person in an action before a justice of the peace of the same county.]~~
~~clerk of the court.~~

Sec. 28. NRS 19.050 is hereby amended to read as follows:

19.050 Except as otherwise provided in subsection 8 of NRS 127.186, when by law any publication is required to be made by a ~~county~~ clerk *of the court* of any suit, process, notice, order or other paper, the cost of such publication shall, if demanded, be tendered by the party to whom such order, process, notice or other paper was granted before the ~~county~~ clerk *of the court* shall be compelled to make publication thereof.

Sec. 29. NRS 19.060 is hereby amended to read as follows:

19.060 Except as otherwise provided by specific statute, all fees prescribed in this chapter must be paid in advance, if demanded. If ~~any county~~ a clerk *of the court* has not received any or all of the fees which may be due for services rendered by the ~~county~~ clerk *of the court* in any suit or proceeding, the ~~county~~ clerk *of the court* may have execution therefor in ~~this or her own~~ *the clerk's* name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the judge or court upon affidavit filed.

Sec. 30. NRS 19.070 is hereby amended to read as follows:

19.070 A ~~county~~ clerk *of the court* shall not charge any fee that is not authorized by law.

Sec. 31. NRS 19.080 is hereby amended to read as follows:

19.080 ~~Each county~~ *The* clerk *of the court* shall keep in his or her office, open to public inspection, a fee book *or electronic record* in which the ~~county~~ clerk *of the court* shall enter in detail the fees charged with the title or the case number of the matter, proceeding or action in which they were charged.

Sec. 32. NRS 19.090 is hereby amended to read as follows:

19.090 1. ~~Each county~~ *The* clerk *of the court* shall, on ~~the first Monday in January, April, July and October,~~ *or before the 15th day of each month,* make out and file with the *county official designated by the* board of county commissioners a full and correct statement under oath of all fees, percentage or compensation, of whatever nature or kind, received in his or her official capacity during the preceding ~~3 months,~~ *month.* In the statement, the ~~county~~ clerk *of the court* shall set forth the cause in which and the services for which such compensations were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing the statements, and such statements may be transmitted by mail, express or otherwise directed to the *county official designated by the* board of county commissioners.



Sec. 33. NRS 19.110 is hereby amended to read as follows:

19.110 ~~{If any county} The clerk {takes} of the court shall not take more or greater fees than are authorized by law . {, the county clerk shall be liable to indictment, and on conviction shall be removed from office and fined in any sum not exceeding \$1,000.}~~

Sec. 34. NRS 33.090 is hereby amended to read as follows:

33.090 1. A person may register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States by presenting a certified copy of the order to the clerk of ~~{the}~~ a court **of competent jurisdiction** in a judicial district in which the person believes that enforcement may be necessary.

2. The clerk of the court shall:

(a) Maintain a record of each order registered pursuant to this section;

(b) Provide the protected party with a ~~{certified}~~ copy of the order registered pursuant to this section bearing proof of registration with the court;

(c) Forward, **by conventional or electronic means**, by the end of the next business day, a copy of an order registered pursuant to this section to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the protected party or the child of the protected party; and

(d) Inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

3. The clerk of the court shall not:

(a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.

(b) Notify the party against whom the order has been made that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe has been registered in this State.

4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.

Sec. 34.5. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.



1 ➤ Any sums paid under a homeowner's warranty, other than sums
2 paid in satisfaction of claims that are collateral to any coverage
3 issued to or by the contractor, must be deducted from any recovery.

4 2. If a contractor, subcontractor, supplier or design professional
5 fails to:

6 (a) Comply with the provisions of NRS 40.6472;

7 (b) Make an offer of settlement;

8 (c) Make a good faith response to the claim asserting no
9 liability;

10 (d) Agree to a mediator or accept the appointment of a mediator
11 pursuant to NRS 40.680; or

12 (e) Participate in mediation,

13 ➤ the limitations on damages and defenses to liability provided in
14 NRS 40.600 to 40.695, inclusive, do not apply and the claimant may
15 commence an action or amend a complaint to add a cause of action
16 for a constructional defect without satisfying any other requirement
17 of NRS 40.600 to 40.695, inclusive.

18 3. If a residence or appurtenance that is the subject of the claim
19 is covered by a homeowner's warranty that is purchased by or on
20 behalf of a claimant pursuant to NRS 690B.100 to 690B.180,
21 inclusive, a claimant shall diligently pursue a claim under the
22 contract. If coverage under a homeowner's warranty is denied by an
23 insurer in bad faith, the homeowner and the contractor,
24 subcontractor, supplier or design professional have a right of action
25 for the sums that would have been paid if coverage had been
26 provided, plus reasonable attorney's fees and costs.

27 4. Nothing in this section prohibits an offer of judgment
28 pursuant to Rule 68 of the Nevada Rules of Civil Procedure ~~for NRS~~
29 ~~47.115~~ if the offer of judgment includes all damages to which the
30 claimant is entitled pursuant to NRS 40.655.

31 **Sec. 35.** NRS 41.260 is hereby amended to read as follows:

32 41.260 There shall be no fee charged or collected by ~~any~~
33 ~~county~~ *the clerk of the court* for any proceeding under the
34 provisions of NRS 41.209 to 41.260, inclusive.

35 **Sec. 35.2.** NRS 92A.500 is hereby amended to read as
36 follows:

37 92A.500 1. The court in a proceeding to determine fair value
38 shall determine all of the costs of the proceeding, including the
39 reasonable compensation and expenses of any appraisers appointed
40 by the court. The court shall assess the costs against the subject
41 corporation, except that the court may assess costs against all or
42 some of the dissenters, in amounts the court finds equitable, to the
43 extent the court finds the dissenters acted arbitrarily, vexatiously or
44 not in good faith in demanding payment.



2. The court may also assess the fees and expenses of the counsel and experts for the respective parties, in amounts the court finds equitable:

(a) Against the subject corporation and in favor of all dissenters if the court finds the subject corporation did not substantially comply with the requirements of NRS 92A.300 to 92A.500, inclusive; or

(b) Against either the subject corporation or a dissenter in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously or not in good faith with respect to the rights provided by NRS 92A.300 to 92A.500, inclusive.

3. If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated, and that the fees for those services should not be assessed against the subject corporation, the court may award to those counsel reasonable fees to be paid out of the amounts awarded to the dissenters who were benefited.

4. In a proceeding commenced pursuant to NRS 92A.460, the court may assess the costs against the subject corporation, except that the court may assess costs against all or some of the dissenters who are parties to the proceeding, in amounts the court finds equitable, to the extent the court finds that such parties did not act in good faith in instituting the proceeding.

5. To the extent the subject corporation fails to make a required payment pursuant to NRS 92A.460, 92A.470 or 92A.480, the dissenter may bring a cause of action directly for the amount owed and, to the extent the dissenter prevails, is entitled to recover all expenses of the suit.

6. This section does not preclude any party in a proceeding commenced pursuant to NRS 92A.460 or 92A.490 from applying the provisions of N.R.C.P. 68 . ~~{or NRS 17.115.}~~

Sec. 35.5. NRS 176.285 is hereby amended to read as follows:

176.285 In Justice Court, when a fine is paid or bail is forfeited, the justice must pay the same to the county treasurer ~~{within 30 days thereafter.}~~ *on or before the fifth day of the month immediately following the month in which the fine is paid or bail is forfeited.*

Sec. 36. NRS 176A.220 is hereby amended to read as follows:

176A.220 **1.** The court shall, upon the entering of an order of probation or suspension of sentence, as provided for in this chapter, direct the clerk of the court to ~~{certify}~~ *deliver* a copy of the records in the case ~~{and deliver the copy}~~ to the Chief Parole and Probation Officer.



2. *At the court's discretion, the court may direct the clerk of the court to deliver the copy of the records in the case in writing, by electronic means or by providing the Chief Parole and Probation Officer access to the electronic systems necessary to retrieve the records.*

Sec. 37. NRS 178.508 is hereby amended to read as follows:

178.508 1. If the defendant fails to appear when the defendant's presence in court is lawfully required for the commission of a misdemeanor and the failure to appear is not excused or is lawfully required for the commission of a gross misdemeanor or felony, the court shall:

(a) Enter upon its minutes that the defendant failed to appear;

(b) Not later than 45 days after the date on which the defendant failed to appear, order the issuance of a warrant for the arrest of the defendant; and

(c) If the undertaking exceeds \$50 or money deposited instead of bail bond exceeds \$500, direct that each surety and the local agent of each surety, or the depositor if the depositor is not the defendant, be given notice that the defendant has failed to appear, by certified mail within 20 days after the date on which the defendant failed to appear. The court shall execute an affidavit of such mailing to be kept as an official public record of the court and shall direct that a copy of the notice be transmitted to the prosecuting attorney at the same time that notice is given to each surety or the depositor.

2. Except as otherwise provided in subsection 3 and NRS 178.509, an order of forfeiture of any undertaking or money deposited instead of bail bond must be prepared by the clerk of the court and signed by the court. An order of forfeiture must include the date on which the forfeiture becomes effective. ~~If the defendant who failed to appear has been charged with the commission of a gross misdemeanor or felony, a copy of the order must be forwarded to the Office of Court Administrator.]~~ The undertaking or money deposited instead of bail bond is forfeited 180 days after the date on which the notice is mailed pursuant to subsection 1.

3. The court may extend the date of the forfeiture for any reasonable period set by the court if the surety or depositor submits to the court:

(a) An application for an extension and the court determines that the surety or the depositor is making reasonable and ongoing efforts to bring the defendant before the court.

(b) An application for an extension on the ground that the defendant is temporarily prevented from appearing before the court because the defendant:

(1) Is ill;

(2) Is insane; or



(3) Is being detained by civil or military authorities,
➔ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety or depositor did not in any way cause or aid the absence of the defendant.

Sec. 38. NRS 178.509 is hereby amended to read as follows:

178.509 1. If the defendant fails to appear when the defendant's presence in court is lawfully required, the court shall not exonerate the surety before the date of forfeiture prescribed in NRS 178.508 unless:

(a) The defendant appears before the court and the court, upon hearing the matter, determines that the defendant has presented a satisfactory excuse or that the surety did not in any way cause or aid the absence of the defendant; or

(b) The surety submits an application for exoneration on the ground that the defendant is unable to appear because the defendant:

(1) Is dead;

(2) Is ill;

(3) Is insane;

(4) Is being detained by civil or military authorities; or

(5) Has been deported,

➔ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety did not in any way cause or aid the absence of the defendant.

2. If the requirements of subsection 1 are met, the court may exonerate the surety upon such terms as may be just.

~~{3. If the court exonerates a surety pursuant to this section and there is any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall:~~

~~—(a) Prepare an order exonerating the surety; and~~

~~—(b) Forward a copy of the order to the Office of Court Administrator.}~~

Sec. 39. NRS 178.512 is hereby amended to read as follows:

178.512 1. The court shall not set aside a forfeiture unless:

(a) The surety submits an application to set it aside on the ground that the defendant:

(1) Has appeared before the court since the date of the forfeiture and has presented a satisfactory excuse for the defendant's absence;

(2) Was dead before the date of the forfeiture but the surety did not know and could not reasonably have known of the defendant's death before that date;

(3) Was unable to appear before the court before the date of the forfeiture because of the defendant's illness or insanity, but the



surety did not know and could not reasonably have known of the illness or insanity before that date;

(4) Was unable to appear before the court before the date of the forfeiture because the defendant was being detained by civil or military authorities, but the surety did not know and could not reasonably have known of the defendant's detention before that date; or

(5) Was unable to appear before the court before the date of the forfeiture because the defendant was deported, but the surety did not know and could not reasonably have known of the defendant's deportation before that date,

➤ and the court, upon hearing the matter, determines that one or more of the grounds described in this subsection exist and that the surety did not in any way cause or aid the absence of the defendant; and

(b) The court determines that justice does not require the enforcement of the forfeiture.

2. If the court sets aside a forfeiture pursuant to subsection 1 and the forfeiture includes any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall make a written finding in support of setting aside the forfeiture. ~~{The court shall mail a copy of the order setting aside the forfeiture to the Office of Court Administrator immediately upon entry of the order.}~~

Sec. 40. NRS 178.514 is hereby amended to read as follows:

178.514 1. When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon.

2. If ~~{the Office of Court Administrator has not received}~~ an order setting aside a forfeiture *has not been entered* within 180 days after the issuance of the order of forfeiture, ~~{the Court Administrator shall request that the court that ordered the forfeiture institute proceedings to enter a judgment of default with respect to the amount of the undertaking or money deposited instead of bail bond with the court. Not later than 30 days after receipt of the request from the Office of Court Administrator,}~~ the court shall enter judgment by default and commence execution proceedings therein.

3. By entering into a bond the obligors submit to the jurisdiction of the court and irrevocably appoint the clerk of the court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the obligors to their last known addresses.



1 **Sec. 41.** NRS 2.260, 4.110, 4.200, 4.250, 4.330, 5.075, 6.050,
2 6.060, 6.070, 6.080, 17.115, 19.100 and 177.267 are hereby
3 repealed.

LEADLINES OF REPEALED SECTIONS

2.260 List of cases submitted to be published monthly by Clerk.

4.110 Penalty for failure to comply with statutory requirements.

4.200 Duty to record violations concerning motor vehicles.

4.250 Docket must be kept by justice of the peace.

4.330 Justice of the peace to receive all money collected and pay it to parties.

5.075 Form of docket and records.

6.050 Estimate of required number of jurors by district court; selection by county commissioners.

6.060 Names of persons selected to be placed in jury box.

6.070 Juror not serving; name drawn again; exemption.

6.080 Selection of additional jurors by county commissioners when names in jury box exhausted; open venire.

17.115 Offer of judgment.

19.100 Penalty for violating NRS 19.070, 19.080 or 19.090.

177.267 Time within which court of appeals or Supreme Court shall render opinion on appeal from judgment of death.

