

Amendment No. 414

Assembly Amendment to Assembly Bill No. 412 (BDR 14-601)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DP/BAW



Date: 4/20/2017

A.B. No. 412—Revises provisions relating to the jurisdiction of courts over certain criminal charges. (BDR 14-601)



ASSEMBLY BILL NO. 412—COMMITTEE ON JUDICIARY

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the jurisdiction of courts over certain criminal charges. (BDR 14-601)

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 procedure in criminal cases; requiring the joinder of certain misdemeanors with certain felonies or gross misdemeanors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that municipal courts have jurisdiction over all misdemeanors committed in violation of the ordinances of their respective cities. (NRS 5.050) Existing law also provides that an indictment or information which is filed with a district court may include charges of two or more related felonies and gross misdemeanors. (NRS 173.115; *State v. Kopp*, 118 Nev. 199 (2002)) This bill requires that certain misdemeanors which would otherwise be under the jurisdiction of municipal courts must be joined with related felonies and gross misdemeanors in the district courts. This bill also provides that a charge for any such misdemeanor which is erroneously included in a **criminal** complaint that is filed in a municipal court shall be deemed to be void ab initio and must be stricken.

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

Section 1. NRS 173.115 is hereby amended to read as follows:173.115 ~~1.~~ **Two**

~~1. Except as otherwise provided in subsection 2, two~~ or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or **gross** misdemeanors or both, are:

~~1.1~~ (a) Based on the same act or transaction; or

~~1.2~~ (b) Based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

2. Except as otherwise provided in subsection 3, a misdemeanor which was committed within the boundaries of a city and which would otherwise be within the jurisdiction of the municipal court must be charged in the same indictment or information criminal complaint as a felony or gross misdemeanor or both if the misdemeanor is

~~(a) Based on the same act or transaction as the felony or gross misdemeanor.~~ based on the same act or transaction as the felony or gross misdemeanor.

~~(b) Based on two or more acts or transactions connected together or constituting parts of a common scheme or plan with the felony or gross misdemeanor.~~

~~A charge of a misdemeanor which meets the requirements of this subsection and which is erroneously included in a criminal complaint that is filed in the municipal court shall be deemed to be void ab initio and must be stricken.~~

3. The provisions of subsection 2 do not apply:

(a) To a misdemeanor based solely upon an alleged violation of a municipal ordinance.

(b) If an indictment is brought or an information is filed in the district court for a felony or gross misdemeanor or both after the convening of a grand jury.

Sec. 2. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

~~2. Except as otherwise provided in subsection 2 of NRS 173.115, the~~ municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 3. The amendatory provisions of this act apply to a charge that is filed on or after October 1, 2017.