

Amendment No. 133

Senate Amendment to Senate Bill No. 29	(BDR 1-396)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: Yes Title: Yes 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.

CSL/RBL



Date: 4/13/2017

S.B. No. 29—Provides for the transfer of a criminal case from one justice court or municipal court to another such court in certain circumstances.
(BDR 1-396)



SENATE BILL NO. 29—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Judiciary

SUMMARY—Provides for the transfer of a criminal case from one justice court or municipal court to another such court or a district court in certain circumstances. (BDR 1-396)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to courts; authorizing a justice court and a municipal court to transfer a criminal case to another such court or a district court in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a justice court or a municipal court to assign a veteran or a member of the military to a program of treatment in certain circumstances. (NRS 4.374, 5.057) Sections ~~1.3~~ and ~~2.3~~ of this bill authorize a justice court or municipal court to transfer a criminal case to another justice court or municipal court of this State **in certain circumstances** if: (1) the case involves criminal conduct that occurred outside the county, township or city where the justice court or municipal court is located; (2) such a transfer is necessary to promote ~~the convenience of the witnesses and the ends of~~ **access to justice** ~~for the defendant~~; or (3) the defendant agrees to participate in a program of treatment or access other services located elsewhere in this State.

Sections 1.7 and 2.7 of this bill authorize a justice court or municipal court to transfer a criminal case to a district court if the defendant agrees to participate in a program of treatment or to access other services located elsewhere in this State. Sections 1.7 and 2.7 also provide that a justice court or municipal court may not transfer a criminal case in that manner until a plea agreement has been reached or final disposition of the case.

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

1 **Section 1.** Chapter 4 of NRS is hereby amended by adding thereto ~~to a new~~
2 ~~section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this
3 act.

4 **Sec. 1.3. 1.** *A justice court may, on its own motion, transfer original*
5 *jurisdiction of a criminal case filed with that court to another justice court or a*
6 *municipal court if:*

7 (a) *The case involves criminal conduct that occurred outside the limits of the*
8 *county or township where the court is located, ~~++~~ and the defendant has appeared*
9 *before a magistrate pursuant to NRS 171.178;*

10 (b) *Such a transfer is necessary to promote ~~the convenience of the witnesses~~*
11 *and the ends of justice; ~~++~~ access to justice for the defendant and the justice court*
12 *has noted its findings concerning that issue in the record; or*

13 (c) *The defendant agrees to participate in a program of treatment, including,*
14 *without limitation, a program of treatment made available pursuant to NRS*
15 *176A.250, 176A.280, 453.580 or 458.300, or to access other services located*
16 *elsewhere in this State.*

17 2. *A justice court may not issue an order for the transfer of a case pursuant*
18 *to paragraph (b) or (c) of subsection 1 until a plea agreement has been reached*
19 *or the final disposition of the case, whichever occurs first.*

20 3. *An order issued by a justice court which transfers a case pursuant to this*
21 *section becomes effective after a notice of acceptance is returned by the justice*
22 *court or municipal court to which the case was transferred. If a justice court or*
23 *municipal court refuses to accept the transfer of a case pursuant to subsection 1,*
24 *the case must be returned to the justice court which sought the transfer.*

25 **Sec. 1.7. 1.** *A justice court may, on its own motion, transfer original*
26 *jurisdiction of a criminal case filed with that court to a district court in this State*
27 *if the defendant agrees to participate in a program of treatment, including,*
28 *without limitation, a program of treatment made available pursuant to NRS*
29 *176A.250, 176A.280, 453.580 or 458.300, or to access other services located*
30 *elsewhere in this State.*

31 2. *A justice court may not issue an order for the transfer of a case pursuant*
32 *to this section before a plea agreement has been reached or the disposition of the*
33 *case, whichever occurs first.*

34 3. *An order issued by a justice court which transfers a case pursuant to this*
35 *section becomes effective after a notice of acceptance is returned by the district*
36 *court to which the case was transferred. If a district court refuses to accept the*
37 *transfer of a case pursuant to subsection 1, the case must be returned to the*
38 *justice court which sought the transfer.*

39 **Sec. 2.** Chapter 5 of NRS is hereby amended by adding thereto ~~to a new~~
40 ~~section to read as follows:~~ the provisions set forth as sections 2.3 and 2.7 of this
41 act.

42 **Sec. 2.3. 1.** *A municipal court may, on its own motion, transfer original*
43 *jurisdiction of a criminal case filed with that court to a justice court or another*
44 *municipal court if:*

45 (a) *The case involves criminal conduct that occurred outside the limits of the*
46 *city where the court is located, ~~++~~ and the defendant has appeared before a*
47 *magistrate pursuant to NRS 171.178;*

1 (b) ~~Such a transfer is necessary to promote the convenience of the witnesses~~
2 ~~and the ends of justice;~~ access to justice for the defendant and the municipal
3 court has noted its findings concerning that issue in the record; or

4 (c) The defendant agrees to participate in a program of treatment, including,
5 without limitation, a program of treatment made available pursuant to NRS
6 176A.250, 176A.280, 453.580 or 458.300, or to access other services located
7 elsewhere in this State.

8 2. A municipal court may not issue an order for the transfer of a case
9 pursuant to paragraph (b) or (c) of subsection 1 until a plea agreement has been
10 reached or the final disposition of the case, whichever occurs first.

11 3. An order issued by a municipal court which transfers a case pursuant to
12 this section becomes effective after a notice of acceptance is returned by the
13 justice court or municipal court to which the case was transferred. If a justice
14 court or municipal court refuses to accept the transfer of a case pursuant to
15 subsection 1, the case must be returned to the municipal court which sought the
16 transfer.

17 Sec. 2.7. 1. A municipal court may, on its own motion, transfer original
18 jurisdiction of a criminal case filed with that court to a district court in this State
19 if the defendant agrees to participate in a program of treatment, including,
20 without limitation, a program of treatment made available pursuant to NRS
21 176A.250, 176A.280, 453.580 or 458.300, or to access other services located
22 elsewhere in this State.

23 2. A municipal court may not issue an order transferring a case pursuant to
24 this section before a plea agreement has been reached or the disposition of the
25 case, whichever occurs first.

26 3. An order issued by a municipal court which transfers a case pursuant to
27 this section becomes effective after a notice of acceptance is returned by the
28 district court to which the case was transferred. If a district court refuses to
29 accept the transfer of a case pursuant to subsection 1, the case must be returned
30 to the municipal court which sought the transfer.

31 Sec. 3. This act becomes effective upon passage and approval.