

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 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:

Section 1. Chapter 4 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

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

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

(b) Such a transfer is necessary to promote access to justice for the defendant and the justice court has noted its findings concerning that issue in the record; or

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

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

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

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

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

3. An order issued by a justice court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the district court to which the case was transferred. If a district court refuses to accept the transfer of a



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1 *case pursuant to subsection 1, the case must be returned to the*
2 *justice court which sought the transfer.*

3 **Sec. 2.** Chapter 5 of NRS is hereby amended by adding thereto
4 the provisions set forth as sections 2.3 and 2.7 of this act.

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

8 *(a) The case involves criminal conduct that occurred outside*
9 *the limits of the city where the court is located and the defendant*
10 *has appeared before a magistrate pursuant to NRS 171.178;*

11 *(b) Such a transfer is necessary to promote access to justice for*
12 *the defendant and the municipal court has noted its findings*
13 *concerning that issue in the record; or*

14 *(c) The defendant agrees to participate in a program of*
15 *treatment, including, without limitation, a program of treatment*
16 *made available pursuant to NRS 176A.250, 176A.280, 453.580 or*
17 *458.300, or to access other services located elsewhere in this State.*

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

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

29 **Sec. 2.7. 1.** *A municipal court may, on its own motion,*
30 *transfer original jurisdiction of a criminal case filed with that*
31 *court to a district court in this State if the defendant agrees to*
32 *participate in a program of treatment, including, without*
33 *limitation, a program of treatment made available pursuant to*
34 *NRS 176A.250, 176A.280, 453.580 or 458.300, or to access other*
35 *services located elsewhere in this State.*

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

39 **3.** *An order issued by a municipal court which transfers a*
40 *case pursuant to this section becomes effective after a notice of*
41 *acceptance is returned by the district court to which the case was*
42 *transferred. If a district court refuses to accept the transfer of a*
43 *case pursuant to subsection 1, the case must be returned to the*
44 *municipal court which sought the transfer.*



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1 **Sec. 3.** This act becomes effective upon passage and approval.

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