

Amendment No. CA4

Conference Committee Amendment to Senate Bill No. 480 Second Reprint	(BDR 1-978)
Proposed by: Conference Committee	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.

NCA/BAW



Date: 6/3/2019

S.B. No. 480—Revises provisions relating to the number of justices of the peace in each township. (BDR 1-978)



SENATE BILL NO. 480—SENATORS
GOICOECHEA AND SETTELMAYER

MARCH 25, 2019

JOINT SPONSOR: ASSEMBLYMAN ELLISON

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to ~~the number of justices of the peace in each township~~ courts. (BDR 1-978)

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; revising provisions relating to the transaction of business by justice and municipal courts; revising provisions governing the jurisdiction of certain justice courts; revising provisions relating to the number of justices of the peace in each township; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that no court, except a justice court or a municipal court, may be opened or transact business on a Sunday or any day declared to be a legal holiday, except for certain purposes. (NRS 1.130) Section 1 of this bill authorizes such courts to be open to receive communications by telephone and for the issuance of an ex parte order for protection against high-risk behavior.

Existing law sets forth a schedule for determining how many elected justices of the peace a township is required to have based upon the population of the township. If the schedule requires an additional justice of the peace due to an increased population of the township, existing law provides that if a majority of the justices of the peace in the township submit to the Legislature and the board of county commissioners an opinion stating that the caseload of the court does not warrant an additional judge, the number of justices of the peace in that township is prohibited from being increased while the Legislature considers the opinion. (NRS 4.020) **Section 1** of this bill revises this process by requiring the justices of the peace to consult with the board of county commissioners in reaching an opinion as to whether the caseload of the court warrants an additional judge.

Existing law establishes the jurisdiction of justice courts. (NRS 4.370) Section 3 of this bill extends the jurisdiction of justice courts, under certain circumstances, to include any action for the issuance of an ex parte or extended order for protection against high-risk behavior.

Section 12 of Assembly Bill No. 291 of this session requires a court to issue an ex parte order pursuant to a verified application if the court finds by a preponderance of the evidence that: (1) a person poses an imminent risk of causing personal injury to

23 himself or herself or another person by possessing or having under his or her custody or
24 control or by purchasing or otherwise acquiring any firearm; (2) the person has engaged
25 in high-risk behavior; and (3) less restrictive options have been exhausted or are not
26 effective. Section 4 of this bill makes a technical correction.

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

1 **Section 1. NRS 1.130 is hereby amended to read as follows:**

2 1.130 1. No court except a justice court or a municipal court shall be opened
3 nor shall any judicial business be transacted except by a justice court or municipal
4 court on Sunday, or on any day declared to be a legal holiday according to the
5 provisions of NRS 236.015, except for the following purposes:

6 (a) To give, upon their request, instructions to a jury then deliberating on their
7 verdict.

8 (b) To receive a verdict or discharge a jury.

9 (c) For the exercise of the power of a magistrate in a criminal action or in a
10 proceeding of a criminal nature.

11 (d) To receive communications by telephone and for the issuance of ~~an~~ :

12 (1) A temporary order pursuant to subsection 7 of NRS 33.020 ~~(1)~~; or

13 (2) An ex parte order for protection against high-risk behavior pursuant
14 to section 12 of Assembly Bill No. 291 of this session.

15 (e) For the issue of a writ of attachment, which may be issued on each and all
16 of the days above enumerated upon the plaintiff, or some person on behalf of the
17 plaintiff, setting forth in the affidavit required by law for obtaining the writ the
18 additional averment as follows:

19
20 That the affiant has good reason to believe, and does believe, that it will
21 be too late for the purpose of acquiring a lien by the writ to wait until
22 subsequent day for the issuance of the same.

23
24 All proceedings instituted, and all writs issued, and all official acts done on any of
25 the days above specified, under and by virtue of this section, shall have all the
26 validity, force and effect of proceedings commenced on other days, whether a lien
27 be obtained or a levy made under and by virtue of the writ.

28 2. Nothing herein contained shall affect private transactions of any nature
29 whatsoever.

30 ~~[Section 1.]~~ **Sec. 2. NRS 4.020 is hereby amended to read as follows:**

31 4.020 1. There must be one justice court in each of the townships of the
32 State, for which there must be elected by the qualified electors of the township at
33 least one justice of the peace. Except as otherwise provided in subsection 3, the
34 number of justices of the peace in a township must be increased according to the
35 population of the township, as certified by the Governor in even-numbered years
36 pursuant to NRS 360.285, in accordance with and not to exceed the following
37 schedule:

38 (a) In a county whose population is 700,000 or more:

39 (1) In a township whose population is less than 1,100,000, one justice of
40 the peace for each 100,000 population of the township, or fraction thereof, until the
41 township has four justices of the peace, and thereafter, one justice of the peace for

1 each 125,000 population of the township, or fraction thereof, over a population of
2 300,000; and

3 (2) In a township whose population is 1,100,000 or more, one justice of the
4 peace for each 100,000 population of the township, or fraction thereof, up to a
5 population of 1,100,000, and thereafter, one justice of the peace for each 125,000
6 population of the township, or fraction thereof, over a population of 1,100,000.

7 (b) In a county whose population is 100,000 or more and less than 700,000,
8 one justice of the peace for each 50,000 population of the township, or fraction
9 thereof.

10 (c) In a county whose population is less than 100,000, one justice of the peace
11 for each ~~34,000~~ 50,000 population of the township, or fraction thereof.

12 (d) If a township includes a city created by the consolidation of a city and
13 county into one municipal government, one justice of the peace for each 30,000
14 population of the township, or fraction thereof.

15 2. Except as otherwise provided in subsection 3, if the schedule set forth in
16 subsection 1 provides for an increase in the number of justices of the peace in a
17 township, the new justice or justices of the peace must be elected at the next
18 ensuing biennial election.

19 3. If the schedule set forth in subsection 1 provides for an increase in the
20 number of justices of the peace in a township and ~~[, in the opinion of]~~ a majority of
21 the justices of the peace in that township, *in consultation with the board of county*
22 *commissioners, determine that* the caseload does not warrant an additional justice
23 of the peace, the justices of the peace shall notify the Director of the Legislative
24 Counsel Bureau and the board of county commissioners of their opinion on or
25 before March 15 of the even-numbered year in which the population of the
26 township provides for such an increase. The Director of the Legislative Counsel
27 Bureau shall submit the opinion to the next regular session of the Legislature for its
28 consideration. If the justices of the peace transmit such a notice to the Director of
29 the Legislative Counsel Bureau and the board of county commissioners, the number
30 of justices must not be increased during that period unless the Legislature, by
31 resolution, expressly approves the increase.

32 4. Justices of the peace shall receive certificates of election from the boards of
33 county commissioners of their respective counties.

34 5. The clerk of the board of county commissioners shall, within 10 days after
35 the election or appointment and qualification of any justice of the peace, certify
36 under seal to the Secretary of State the election or appointment and qualification of
37 the justice of the peace. The certificate must be filed in the Office of the Secretary
38 of State as evidence of the official character of that officer.

39 **Sec. 3. NRS 4.370 is hereby amended to read as follows:**

40 4.370 1. Except as otherwise provided in subsection 2, justice courts have
41 jurisdiction of the following civil actions and proceedings and no others except as
42 otherwise provided by specific statute:

43 (a) In actions arising on contract for the recovery of money only, if the sum
44 claimed, exclusive of interest, does not exceed \$15,000.

45 (b) In actions for damages for injury to the person, or for taking, detaining or
46 injuring personal property, or for injury to real property where no issue is raised by
47 the verified answer of the defendant involving the title to or boundaries of the real
48 property, if the damage claimed does not exceed \$15,000.

49 (c) Except as otherwise provided in paragraph (1), in actions for a fine, penalty
50 or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county,
51 city or town, where no issue is raised by the answer involving the legality of any
52 tax, impost, assessment, toll or municipal fine.

1 (d) In actions upon bonds or undertakings conditioned for the payment of
2 money, if the sum claimed does not exceed \$15,000, though the penalty may
3 exceed that sum. Bail bonds and other undertakings posted in criminal matters may
4 be forfeited regardless of amount.

5 (e) In actions to recover the possession of personal property, if the value of the
6 property does not exceed \$15,000.

7 (f) To take and enter judgment on the confession of a defendant, when the
8 amount confessed, exclusive of interest, does not exceed \$15,000.

9 (g) Of actions for the possession of lands and tenements where the relation of
10 landlord and tenant exists, when damages claimed do not exceed \$15,000 or when
11 no damages are claimed.

12 (h) Of actions when the possession of lands and tenements has been unlawfully
13 or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000
14 or when no damages are claimed.

15 (i) Of suits for the collection of taxes, where the amount of the tax sued for
16 does not exceed \$15,000.

17 (j) Of actions for the enforcement of mechanics' liens, where the amount of the
18 lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

19 (k) Of actions for the enforcement of liens of owners of facilities for storage,
20 where the amount of the lien sought to be enforced, exclusive of interest, does not
21 exceed \$15,000.

22 (l) In actions for a fine imposed for a violation of NRS 484D.680.

23 (m) Except as otherwise provided in this paragraph, in any action for the
24 issuance of a temporary or extended order for protection against domestic violence
25 ~~is~~ pursuant to NRS 33.020. A justice court does not have jurisdiction in an action
26 for the issuance of a temporary or extended order for protection against domestic
27 violence:

28 (1) In a county whose population is 100,000 or more and less than
29 700,000;

30 (2) In any township whose population is 100,000 or more located within a
31 county whose population is 700,000 or more; or

32 (3) If a district court issues a written order to the justice court requiring that
33 further proceedings relating to the action for the issuance of the order for protection
34 be conducted before the district court.

35 (n) Except as otherwise provided in this paragraph, in any action for the
36 issuance of an ex parte or extended order for protection against high-risk
37 behavior pursuant to section 12 or 13 of Assembly Bill No. 291 of this session. A
38 justice court does not have jurisdiction in an action for the issuance of an ex
39 parte or extended order for protection against high-risk behavior:

40 (1) In a county whose population is 100,000 or more but less than
41 700,000;

42 (2) In any township whose population is 100,000 or more located within
43 a county whose population is 700,000 or more; or

44 (3) If a district court issues a written order to the justice court requiring
45 that further proceedings relating to the action for the issuance of the order for
46 protection be conducted before the district court.

47 (o) In an action for the issuance of a temporary or extended order for protection
48 against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

49 ~~(p)~~ (p) In small claims actions under the provisions of chapter 73 of NRS.

50 ~~(q)~~ (q) In actions to contest the validity of liens on mobile homes or
51 manufactured homes.

1 ~~(r)~~ (r) In any action pursuant to NRS 200.591 for the issuance of a protective
2 order against a person alleged to be committing the crime of stalking, aggravated
3 stalking or harassment.

4 ~~(s)~~ (s) In any action pursuant to NRS 200.378 for the issuance of a protective
5 order against a person alleged to have committed the crime of sexual assault.

6 ~~(t)~~ (t) In actions transferred from the district court pursuant to NRS 3.221.

7 ~~(u)~~ (u) In any action for the issuance of a temporary or extended order
8 pursuant to NRS 33.400.

9 ~~(v)~~ (v) In any action seeking an order pursuant to NRS 441A.195.

10 2. The jurisdiction conferred by this section does not extend to civil actions,
11 other than for forcible entry or detainer, in which the title of real property or mining
12 claims or questions affecting the boundaries of land are involved.

13 3. Justice courts have jurisdiction of all misdemeanors and no other criminal
14 offenses except as otherwise provided by specific statute. Upon approval of the
15 district court, a justice court may transfer original jurisdiction of a misdemeanor to
16 the district court for the purpose of assigning an offender to a program established
17 pursuant to NRS 176A.250 or, if the justice court has not established a program
18 pursuant to NRS 176A.280, to a program established pursuant to that section.

19 4. Except as otherwise provided in subsections 5 and 6, in criminal cases the
20 jurisdiction of justices of the peace extends to the limits of their respective counties.

21 5. In the case of any arrest made by a member of the Nevada Highway Patrol,
22 the jurisdiction of the justices of the peace extends to the limits of their respective
23 counties and to the limits of all counties which have common boundaries with their
24 respective counties.

25 6. Each justice court has jurisdiction of any violation of a regulation
26 governing vehicular traffic on an airport within the township in which the court is
27 established.

28 **Sec. 4. Section 12 of Assembly Bill No. 291 of this session is hereby**
29 **amended to read as follows:**

30 Sec. 12. 1. The court shall issue an ex parte order if the court finds
31 by a preponderance of the evidence from facts shown by a verified
32 application filed pursuant to section 11 of this act:

33 (a) That a person poses an imminent risk of causing personal injury to
34 himself or herself or another person by possessing or having under his or
35 her custody or control or by purchasing or otherwise acquiring any firearm;

36 (b) The person engaged in high-risk behavior; and

37 (c) Less restrictive options have been exhausted or are not effective.

38 2. The court may require the person who filed the verified application
39 or the adverse party, or both, to appear before the court before determining
40 whether to issue an ex parte order.

41 3. An ex parte order may be issued with or without notice to the
42 adverse party.

43 4. Except as otherwise provided in this subsection, a hearing must not
44 be held by telephone. The court shall hold a hearing on the ex parte order
45 and shall issue or deny the ex parte order on the day the verified application
46 is filed or the judicial day immediately following the day the verified
47 application is filed. If the verified application is filed by a law enforcement
48 officer, the court may hold the hearing on the ex parte order by telephone,
49 which must be recorded in the presence of the magistrate or in the
50 immediate vicinity of the magistrate by a certified court reporter or by
51 electronic means. Any such recording must be transcribed, certified by the

1 reporter if the reporter made the recording and certified by the magistrate.
2 The certified transcript must be filed with the clerk of the court.

3 5. ~~{A hearing on an application for an ex parte order must be held~~
4 ~~within 7 calendar days after the date on which the verified application for~~
5 ~~the order is filed.~~

6 ~~6.}~~ In a county whose population is 100,000 or more, the court shall
7 be available 24 hours a day, 7 days a week, including nonjudicial days and
8 holidays, to receive communications by telephone and for the issuance of
9 an ex parte order pursuant to subsection 4.

10 ~~7.}~~ 6. In a county whose population is less than 100,000, the court
11 may be available 24 hours a day, 7 days a week, including nonjudicial days
12 and holidays, to receive communications by telephone and for the issuance
13 of an ex parte order pursuant to subsection 4.

14 ~~8.}~~ 7. The clerk of the court shall inform the applicant and the
15 adverse party upon the successful transfer of information concerning the
16 registration to the Central Repository for Nevada Records of Criminal
17 History as required pursuant to NRS 33.095.

18 **Sec. 5. 1. This section and section 2 of this act become effective on**
19 **October 1, 2019.**

20 **2. Sections 1, 3 and 4 of this act become effective on January 1, 2020, if,**
21 **and only if, Assembly Bill No. 291 of this session becomes effective.**