

SENATE BILL NO. 462—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to constables.  
(BDR 20-754)

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

~

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

AN ACT relating to constables; revising certain requirements for constables in certain townships to become certified as a category I or category II peace officer; providing the appointment and compensation of a deputy constable is subject to the approval of the board of county commissioners; revising certain fees a constable is entitled to receive; designating the office of constable as nonpartisan; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires each constable and deputy constable to be certified as a category II peace officer in a township whose population: (1) is 100,000 or more, if the township is in a county whose population is 700,000 or more (currently Clark County); and (2) is 250,000 or more, if the township is in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 258.007, 258.060) **Sections 1 and 2** of this bill instead require each constable to be certified as a category I or category II peace officer and each deputy constable to be certified as a category I or category II peace officer: (1) in a township whose population is 15,000 or more; or (2) a township that has within its boundaries a city whose population is 15,000 or more.

Existing law authorizes all constables to appoint deputy constables and are responsible for the compensation of such deputy constables. (NRS 258.060) **Section 2** provides that the appointment and compensation of a deputy constable is subject to the approval of the board of county commissioners.

Existing law establishes that a constable is entitled to receive for collecting sums on execution or writ: (1) 2 percent of the first \$3,500; and (2) one-half of 1 percent on all amounts over the first \$3,500. (NRS 258.125) **Section 3** of this bill increases the amount that a constable is entitled to receive on amounts over the first \$3,500 to 1 percent.



Existing law designates certain offices as nonpartisan. (NRS 293.195) **Section 4** of this bill includes the office of constable in those offices which are designated nonpartisan. **Section 5** of this bill provides that this designation does not apply to a constable who is in office on October 1, 2019, unless he or she is elected or appointed to a term of office on or after October 1, 2019.

---

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

**Section 1.** NRS 258.007 is hereby amended to read as follows:

258.007 1. Each constable of a township whose population is ~~{100,000}~~ **15,000** or more ~~{and which is located in a county whose population is 700,000 or more, and each constable of}~~ **or** a township **that has within its boundaries a city** whose population is ~~{250,000}~~ **15,000** or more ~~{and which is located in a county whose population is less than 700,000.}~~ shall become certified by the Peace Officers' Standards and Training Commission as a category **I or category** II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

**Sec. 2.** NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, **subject to the approval of the board of county commissioners** who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. A person who is appointed as a deputy constable in a township whose population is ~~{100,000}~~ **15,000** or more ~~{and which is located in a county whose population is 700,000 or more or a deputy constable of}~~ **or** a township **that has within its boundaries a city** whose population is ~~{250,000}~~ **15,000** or more ~~{and which is located in a county whose population is less than 700,000}~~ may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards and Training Commission as a **category I or** category II peace officer. The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies , **subject to the approval of the board of county**



**commissioners**, and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded within 30 days after the appointment in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section within 30 days after the revocation of the appointment. From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

**Sec. 3.** NRS 258.125 is hereby amended to read as follows:  
258.125 1. Constables are entitled to the following fees for their services:

For serving a summons or other process by which a suit is commenced in civil cases .....	\$17
For summoning a jury before a justice of the peace.....	7
For taking a bond or undertaking .....	5
For serving an attachment against the property of a defendant .....	15
For serving subpoenas, for each witness .....	15
For a copy of any writ, process or order or other paper, when demanded or required by law, per folio .....	3
For drawing and executing every constable's deed, to be paid by the grantee, who must also pay for the acknowledgment thereof .....	20
For each certificate of sale of real property under execution .....	5
For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons .....	15
For serving one notice required by law before the commencement of a proceeding for any type of eviction.....	26
For serving not fewer than 2 nor more than 10 such notices to the same location, each notice .....	20
For serving not fewer than 11 nor more than 24 such notices to the same location, each notice .....	17



1	For serving 25 or more such notices to the same	
2	location, each notice.....	15
3	Except as otherwise provided in subsection 3, for	
4	mileage in serving such a notice, for each mile	
5	necessarily and actually traveled in going only.....	2
6	But if two or more notices are served at the same	
7	general location during the same period,	
8	mileage may only be charged for the service	
9	of one notice.	
10	For each service in a summary eviction, except	
11	service of any notice required by law before	
12	commencement of the proceeding, and for	
13	serving notice of and executing a writ of	
14	restitution.....	21
15	For making and posting notices, and advertising	
16	property for sale on execution, not to include the	
17	cost of publication in a newspaper .....	15
18	For each warrant lawfully executed, unless a higher	
19	amount is established by the board of county	
20	commissioners.....	48
21	For mailing a notice of a writ of execution .....	2
22	Except as otherwise provided in subsection 3, for	
23	mileage in serving summons, attachment,	
24	execution, order, venire, subpoena, notice,	
25	summary eviction, writ of restitution or other	
26	process in civil suits, for each mile necessarily	
27	and actually traveled, in going only .....	2
28	But when two or more persons are served in the	
29	same suit, mileage may only be charged for	
30	the most distant, if they live in the same	
31	direction.	
32	Except as otherwise provided in subsection 3, for	
33	mileage in making a diligent but unsuccessful	
34	effort to serve a summons, attachment,	
35	execution, order, venire, subpoena or other	
36	process in civil suits, for each mile necessarily	
37	and actually traveled, in going only .....	2
38	But mileage may not exceed \$20 for any	
39	unsuccessful effort to serve such process.	

2. A constable is also entitled to receive:

(a) For receiving and taking care of property on execution, attachment or order, and for executing an order of arrest in civil cases, the constable's actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the



1 constable that the charges are correct and the expenses necessarily  
2 incurred.

3 (b) For collecting all sums on execution or writ, to be charged  
4 against the defendant, on the first \$3,500, 2 percent thereof, and on  
5 all amounts over that sum, ~~one-half of~~ 1 percent.

6 (c) For service in criminal cases, the same fees as are allowed  
7 sheriffs for like services, to be allowed, audited and paid as are other  
8 claims against the county.

9 (d) For removing or causing the removal of, pursuant to NRS  
10 487.230, a vehicle that has been abandoned on public property,  
11 \$100.

12 (e) For providing any other service authorized by law for which  
13 no fee is established by this chapter, the fee provided for by  
14 ordinance by the board of county commissioners.

15 3. For each service for which a constable is otherwise entitled  
16 pursuant to subsection 1 to a fee based on the mileage necessarily  
17 and actually traveled in performing the service, a board of county  
18 commissioners may provide by ordinance for the constable to be  
19 entitled, at the option of the person paying the fee, to a flat fee for  
20 the travel costs of that service.

21 4. Deputy sheriffs acting as constables are not entitled to retain  
22 for their own use any fees collected by them, but the fees must be  
23 paid into the county treasury on or before the fifth working day of  
24 the month next succeeding the month in which the fees were  
25 collected.

26 5. Constables shall, on or before the fifth working day of each  
27 month, account for and pay to the county treasurer all fees collected  
28 during the preceding month, except fees which may be retained as  
29 compensation.

30 **Sec. 4.** NRS 293.195 is hereby amended to read as follows:

31 293.195 1. Judicial offices, school offices, the office of  
32 county sheriff, the Board of Regents of the University of Nevada,  
33 city and town officers, *the office of constable*, the State Board of  
34 Education and members of boards of hospital trustees of public  
35 hospitals are hereby designated nonpartisan offices.

36 2. No words designating the party affiliation of a candidate for  
37 nonpartisan offices may be printed upon the ballot.

38 **Sec. 5.** The amendatory provisions of section 4 of this act do  
39 not apply to a constable who is in office on October 1, 2019, unless  
40 the constable is elected or appointed to a term of office on or after  
41 October 1, 2019.

