

SENATE BILL NO. 355—COMMITTEE ON JUDICIARY

MARCH 25, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes procedures relating to civil infractions. (BDR 14-830)

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 offenses; establishing procedures for certain misdemeanor offenses to be adjudicated as civil infractions; revising the jurisdiction of justice and municipal courts for purposes relating to civil infractions; providing a civil penalty for civil infractions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes various provisions relating to criminal procedure.
2 (Title 14 of NRS) This bill sets forth alternative procedures authorizing certain
3 misdemeanor offenses to be adjudicated as civil infractions. **Section 2** of this bill
4 makes the Nevada Rules of Civil Procedure inapplicable, with certain exceptions,
5 to the procedures governing civil infractions.
6 **Section 3** of this bill authorizes a prosecuting attorney to elect to treat certain
7 misdemeanor offenses as civil infractions. In order to make such an election,
8 **section 3** requires the prosecuting attorney, on or before the time scheduled for the
9 first appearance of the defendant, to: (1) prepare a notice of civil infraction; (2) file
10 the notice with the court that would have had jurisdiction over the misdemeanor
11 offense; and (3) deliver a copy of the notice to the defendant. Additionally, **section**
12 **3** requires the court to dismiss the misdemeanor charge once the notice of civil
13 infraction has been filed by the prosecuting attorney. **Section 4** of this bill requires
14 the notice of civil infraction to contain certain information.
15 **Section 5** of this bill requires the defendant to respond to the notice of civil
16 infraction within 90 judicial days after the date that it was filed with the court.
17 **Section 5** provides that the defendant may respond to the notice of civil infraction
18 by: (1) indicating an intention to not contest the civil infraction and paying the civil
19 penalty described in the notice; or (2) requesting a hearing to contest the civil
20 infraction. If a defendant does not respond to a notice of civil infraction, **section 5**
21 requires the court to mail the defendant a subsequent notice notifying the defendant
22 of his or her failure to respond. **Section 5** requires the defendant to respond to the
23 subsequent notice within 30 judicial days after its receipt.



24 **Section 6** of this bill requires the court to enter an order finding that the
25 defendant committed the civil infraction and impose the civil penalty for the civil
26 infraction if the defendant: (1) does not timely respond to the subsequent notice
27 described in **section 5**; or (2) requests a hearing pursuant to **section 5** and fails to
28 appear at the hearing. Additionally, **section 6** authorizes the defendant to appeal
29 any such order for mistake, inadvertence, surprise or excusable neglect.

30 **Section 7** of this bill authorizes a defendant to be represented by counsel at the
31 requested hearing regarding the civil infraction and prohibits a prosecuting attorney
32 from appearing at the hearing unless the defendant is represented by counsel. If a
33 defendant is not represented by counsel, **section 8** of this bill authorizes the peace
34 officer who arrested or issued a citation to the defendant to present evidence, cross-
35 examine witnesses and present arguments at the hearing. **Section 17** of this bill
36 provides that a peace officer taking action pursuant to **section 8** is not considered
37 the unauthorized practice of law.

38 **Section 7** also requires the hearing relating to the civil infraction to be
39 conducted before the court without a jury and requires the State to prove by a
40 preponderance of the evidence that the defendant committed the civil infraction.

41 Additionally at the hearing relating to the civil infraction, **section 9** of this bill
42 authorizes the court to admit affidavits as evidence in lieu of taking the oral
43 testimony of a witness, if the defendant signs a statement authorizing the court to
44 admit the affidavits. **Section 9** requires such a statement from the defendant for
45 each witness testifying at the hearing by affidavit.

46 After the hearing relating to the civil infraction, **section 10** of this bill requires
47 the court to determine whether the civil infraction was committed by the defendant.
48 If the court determines that the defendant did not commit the civil infraction,
49 **section 10** requires the court to dismiss the notice of civil infraction. If the court
50 determines that the defendant has committed the civil infraction, **section 10**
51 requires the court to enter an order finding that the person committed the civil
52 infraction and impose the civil penalty for the civil infraction. Additionally, **section**
53 **10** authorizes any party to appeal such orders of the court. Finally, **section 10**
54 authorizes the court to allow the defendant to pay the civil penalty in accordance
55 with a payment plan under certain circumstances.

56 **Section 11** of this bill requires the civil penalties collected from civil
57 infractions to be paid to the State Controller for deposit into the State Permanent
58 School Fund.

59 **Section 12** of this bill sets forth that an appeal from an order of the court
60 pursuant to **section 6 or 10** is governed by the same rules for civil appeals from
61 justice or municipal courts, as applicable.

62 **Section 13** of this bill provides that a person who commits an offense that is
63 treated as a civil infraction is subject to a penalty of not more than \$500.

64 Existing law establishes the jurisdiction of justice and municipal courts. (NRS
65 4.370, 5.050) **Sections 15 and 16** of this bill grant justice and municipal courts
66 jurisdiction to hear and dispose of civil infractions. Existing law also authorizes
67 certain justice courts to appoint referees under certain circumstances. (NRS 4.355)
68 **Section 14** of this bill extends the authority of such justice courts to appoint
69 referees in cases involving civil infractions.



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

1 **Section 1.** Chapter 178 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this
3 act.

4 **Sec. 2.** *Except as otherwise provided in sections 2 to 13,*
5 *inclusive, of this act, the Nevada Rules of Civil Procedure do not*
6 *apply to a civil case initiated pursuant to sections 2 to 13,*
7 *inclusive, of this act.*

8 **Sec. 3. 1.** *Except as otherwise provided in subsection 4, a*
9 *prosecuting attorney may elect to treat an offense punishable as*
10 *misdemeanor as a civil infraction pursuant to sections 2 to 13,*
11 *inclusive, of this act.*

12 **2.** *The prosecuting attorney shall make the election described*
13 *in subsection 1 on or before the time scheduled for the first*
14 *appearance of the defendant by:*

15 **(a)** *Preparing a notice of civil infraction in accordance with*
16 *section 4 of this act;*

17 **(b)** *Filing the notice with the court having jurisdiction of the*
18 *underlying criminal charge; and*

19 **(c)** *Delivering a copy of the notice to the defendant.*

20 **3.** *Upon the filing of a notice of civil infraction pursuant to*
21 *this section, the court shall dismiss the underlying criminal*
22 *charge.*

23 **4.** *The following offenses punishable as misdemeanors must*
24 *not be treated as civil infractions:*

25 **(a)** *A violation of NRS 422.540 to 422.570, inclusive;*

26 **(b)** *A violation of NRS 484C.110 or 484C.120;*

27 **(c)** *A battery which constitutes domestic violence pursuant to*
28 *NRS 33.018;*

29 **(d)** *A battery pursuant to NRS 200.481;*

30 **(e)** *Harassment pursuant to NRS 200.571;*

31 **(f)** *Stalking pursuant to NRS 200.575; and*

32 **(g)** *A violation of a temporary or extended order for protection.*

33 **Sec. 4.** *A prosecuting attorney may prepare a notice of civil*
34 *infraction manually or electronically in the form of a complaint*
35 *issuing in the name of "The State of Nevada" or in the name of*
36 *the respective county, city or town, containing:*

37 **1.** *The name and address of the person who is being issued*
38 *the notice;*

39 **2.** *A statement that the notice represents a determination by*
40 *the prosecuting attorney that a civil infraction has been committed*
41 *by the person named in the notice and that the determination will*



1 *be final unless contested as provided in sections 2 to 13, inclusive,*
2 *of this act;*

3 3. *A brief description of the offense being treated as a civil*
4 *infraction and the amount of the civil penalty for the civil*
5 *infraction;*

6 4. *A statement of the options provided pursuant to sections 2*
7 *to 13, inclusive, of this act for responding to the notice and the*
8 *procedures necessary to exercise these options;*

9 5. *A statement that, at any hearing to contest the*
10 *determination set forth in the notice, the facts which constitute*
11 *the civil infraction must be proved by a preponderance of the*
12 *evidence; and*

13 6. *A statement that the person must respond to the notice as*
14 *provided in sections 2 to 13, inclusive, of this act within 90 judicial*
15 *days.*

16 **Sec. 5. 1.** *A defendant shall respond to the notice of civil*
17 *infraction as provided in this section not later than 90 judicial*
18 *days after the date on which the notice was filed by the*
19 *prosecuting attorney pursuant to section 3 of this act.*

20 2. *If the defendant does not contest the determination that he*
21 *or she has committed the civil infraction set forth in the notice of*
22 *civil infraction, the defendant must respond to the notice by:*

23 (a) *Indicating that he or she does not contest the*
24 *determination; and*

25 (b) *Submitting full payment of the civil penalty described in*
26 *the notice to the court specified in the notice, in person, by mail or*
27 *through the Internet or other electronic means.*

28 3. *If the defendant wishes to contest the determination that he*
29 *or she has committed the civil infraction set forth in the notice of*
30 *civil infraction, the defendant must respond by requesting in*
31 *person, by mail or through the Internet or other electronic means*
32 *a hearing for that purpose. The court shall notify the person in*
33 *writing of the time, place and date of the hearing, but the date of*
34 *the hearing must not be earlier than 7 judicial days after the court*
35 *provides notice of the hearing.*

36 4. *If the defendant fails to respond to the notice of civil*
37 *infraction within 90 judicial days after the date described in*
38 *subsection 1, the court with jurisdiction over the civil infraction*
39 *must notify the defendant of his or her failure to respond by*
40 *mailing a subsequent notice to the last known address of the*
41 *defendant by registered or certified mail.*

42 5. *A defendant shall respond to the subsequent notice*
43 *described in subsection 4 within 30 judicial days after its receipt in*
44 *the manner prescribed by this section.*



1 **Sec. 6. 1.** *A court shall enter an order finding that a*
2 *defendant committed a civil infraction and impose the civil penalty*
3 *for the civil infraction if the defendant:*

4 *(a) Does not properly respond to the subsequent notice*
5 *described in subsection 4 of section 5 of this act within 30 judicial*
6 *days after its receipt; or*

7 *(b) Fails to appear at the hearing requested pursuant to*
8 *section 5 of this act.*

9 2. *A defendant may appeal an order issued pursuant to this*
10 *section for mistake, inadvertence, surprise or excusable neglect.*

11 **Sec. 7. 1.** *At a hearing requested pursuant to section 5 of*
12 *this act:*

13 *(a) The defendant:*

14 *(1) May be represented by counsel, but such counsel shall*
15 *not be provided at public expense; and*

16 *(2) May not be required to be a witness; and*

17 *(b) Except as otherwise provided in subsection 3, if the*
18 *violation set forth in the notice of civil infraction is a violation of:*

19 *(1) An ordinance adopted by the governing body of an*
20 *incorporated city, the city attorney may represent the city at the*
21 *hearing; or*

22 *(2) The laws of this State or an ordinance other than an*
23 *ordinance described in subparagraph (1), the district attorney of*
24 *the county may represent the State, county or town, as applicable,*
25 *at the hearing.*

26 2. *The prosecuting attorney described in subsection 1 may not*
27 *appear at a hearing requested pursuant to section 5 of this act*
28 *unless the defendant is represented by counsel at the hearing. The*
29 *court shall ensure that the prosecuting attorney is given timely*
30 *notice if the defendant is to be represented by counsel at the*
31 *hearing.*

32 3. *The hearing requested pursuant to section 5 of this act*
33 *must be conducted by the court without a jury and the State has*
34 *the burden of proving by a preponderance of the evidence that the*
35 *defendant committed the civil infraction.*

36 **Sec. 8.** *If the prosecuting attorney does not appear at the*
37 *hearing pursuant to section 7 of this act, the peace officer who*
38 *arrested or issued the defendant a citation for the underlying*
39 *criminal offense may present evidence, examine and cross-*
40 *examine witnesses and make arguments relating to:*

41 1. *The application of statutes, ordinances and rules to the*
42 *facts of the hearing;*

43 2. *The literal meaning of the statutes, ordinances or rules at*
44 *issue in the hearing;*

45 3. *The admissibility of evidence; and*



1 **4. Proper procedures to be used at the hearing.**

2 **Sec. 9. 1.** *Notwithstanding any other provision of law, at a*
3 *hearing requested pursuant to section 5 of this act, a court may*
4 *admit the affidavit of a witness into evidence in lieu of taking the*
5 *testimony of the witness orally in court, if the defendant signs a*
6 *statement waiving his or her right to have such testimony*
7 *presented orally in court.*

8 **2. The statement described in subsection 1:**

9 **(a)** *Must be obtained for each witness whose testimony is to be*
10 *admitted by affidavit; and*

11 **(b)** *Does not constitute a waiver of the hearing requested by*
12 *the defendant pursuant to section 5 of this act unless the*
13 *defendant explicitly waives the hearing in any such statement.*

14 **3.** *The evidentiary rules of hearsay do not apply to testimony*
15 *admitted into evidence as an affidavit pursuant to subsection 1.*

16 **Sec. 10. 1.** *After consideration of the evidence and*
17 *argument at a hearing requested pursuant to section 5 of this act,*
18 *the court shall determine whether the civil infraction was*
19 *committed by the defendant.*

20 **2.** *If it is not established by a preponderance of the evidence*
21 *that the civil infraction was committed by the defendant, the court*
22 *must enter an order dismissing the notice of civil infraction.*

23 **3.** *If it is established by a preponderance of the evidence that*
24 *the civil infraction was committed, the court must enter an order*
25 *finding that the defendant committed the civil infraction and*
26 *impose the civil penalty for the civil infraction. If the court*
27 *determines that the civil penalty imposed on the defendant is*
28 *excessive in relation to the financial resources of the defendant,*
29 *the court may enter into a payment plan with the defendant.*

30 **4.** *Any party may appeal an order entered pursuant to this*
31 *section.*

32 **Sec. 11.** *On or before the fifth day of each month, a court*
33 *shall pay to the State Controller any civil penalty imposed and*
34 *collected by the court for a civil infraction. The State Controller*
35 *shall deposit the money into the State Permanent School Fund.*

36 **Sec. 12.** *An appeal from an order of the court pursuant to*
37 *section 6 or 10 of this act, as applicable, may be taken in the same*
38 *manner as any other civil appeal from a municipal court or justice*
39 *court, as applicable.*

40 **Sec. 13.** *A person who commits an offense that is treated as a*
41 *civil infraction pursuant to sections 2 to 13, inclusive, of this act is*
42 *subject to a civil penalty of not more than \$500.*



1 **Sec. 14.** NRS 4.355 is hereby amended to read as follows:

2 4.355 1. A justice of the peace in a township whose
3 population is 40,000 or more may appoint a referee to take
4 testimony and recommend orders and a judgment:

5 (a) In any action filed pursuant to NRS 73.010;

6 (b) In any action filed pursuant to NRS 33.200 to 33.360,
7 inclusive;

8 (c) In any action for a misdemeanor constituting a violation of
9 chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or
10 484C.120; ~~or~~

11 (d) In any action for a misdemeanor constituting a violation of a
12 county traffic ordinance ~~+~~; *or*

13 (e) *In any action to determine whether a person has committed*
14 *a civil infraction punishable pursuant to sections 2 to 13,*
15 *inclusive, of this act.*

16 2. The referee must meet the qualifications of a justice of the
17 peace as set forth in NRS 4.010.

18 3. The referee:

19 (a) Shall take testimony;

20 (b) Shall make findings of fact, conclusions of law and
21 recommendations for an order or judgment;

22 (c) May, subject to confirmation by the justice of the peace,
23 enter an order or judgment; and

24 (d) Has any other power or duty contained in the order of
25 reference issued by the justice of the peace.

26 4. The findings of fact, conclusions of law and
27 recommendations of the referee must be furnished to each party or
28 his or her attorney at the conclusion of the proceeding or as soon
29 thereafter as possible. Within 5 days after receipt of the findings of
30 fact, conclusions of law and recommendations, a party may file a
31 written objection. If no objection is filed, the court shall accept the
32 findings, unless clearly erroneous, and the judgment may be entered
33 thereon. If an objection is filed within the 5-day period, the justice
34 of the peace shall review the matter by trial de novo, except that if
35 all of the parties so stipulate, the review must be confined to the
36 record.

37 5. A referee must be paid one-half of the hourly compensation
38 of a justice of the peace.

39 **Sec. 15.** NRS 4.370 is hereby amended to read as follows:

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

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



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

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

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

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

18 (f) To take and enter judgment on the confession of a defendant,
19 when the amount confessed, exclusive of interest, does not exceed
20 \$15,000.

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

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

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

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

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

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

38 (m) Except as otherwise provided in this paragraph, in any
39 action for the issuance of a temporary or extended order for
40 protection against domestic violence pursuant to NRS 33.020. A
41 justice court does not have jurisdiction in an action for the issuance
42 of a temporary or extended order for protection against domestic
43 violence:

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



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

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

7 (n) Except as otherwise provided in this paragraph, in any action
8 for the issuance of an ex parte or extended order for protection
9 against high-risk behavior pursuant to NRS 33.570 or 33.580. A
10 justice court does not have jurisdiction in an action for the issuance
11 of an ex parte or extended order for protection against high-risk
12 behavior:

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

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

17 (3) If a district court issues a written order to the justice court
18 requiring that further proceedings relating to the action for the
19 issuance of the order for protection be conducted before the district
20 court.

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

24 (p) In small claims actions under the provisions of chapter 73 of
25 NRS.

26 (q) In actions to contest the validity of liens on mobile homes or
27 manufactured homes.

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

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

34 (t) In actions transferred from the district court pursuant to
35 NRS 3.221.

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

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

39 *(w) In any action to determine whether a person has*
40 *committed a civil infraction punishable pursuant to sections 2 to*
41 *13, inclusive, of this act.*

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



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

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

12 5. In the case of any arrest made by a member of the Nevada
13 Highway Patrol, the jurisdiction of the justices of the peace extends
14 to the limits of their respective counties and to the limits of all
15 counties which have common boundaries with their respective
16 counties.

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

20 **Sec. 16.** NRS 5.050 is hereby amended to read as follows:

21 5.050 1. Municipal courts have jurisdiction of civil actions or
22 proceedings:

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

24 (b) *To determine whether a person has committed a civil*
25 *infraction punishable pursuant to sections 2 to 13, inclusive, of*
26 *this act.*

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

29 2. Except as otherwise provided in subsection 2 of NRS
30 173.115, the municipal courts have jurisdiction of all misdemeanors
31 committed in violation of the ordinances of their respective cities.
32 Upon approval of the district court, a municipal court may transfer
33 original jurisdiction of a misdemeanor to the district court for the
34 purpose of assigning an offender to a program established pursuant
35 to NRS 176A.250 or, if the municipal court has not established a
36 program pursuant to NRS 176A.280, to a program established
37 pursuant to that section.

38 3. The municipal courts have jurisdiction of:

39 (a) Any action for the collection of taxes or assessments levied
40 for city purposes, when the principal sum thereof does not exceed
41 \$2,500.

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



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

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

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

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

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

21 **Sec. 17.** NRS 7.285 is hereby amended to read as follows:

22 7.285 1. ~~[A]~~ *Except as otherwise provided in subsection 4, a*
23 person shall not practice law in this state if the person:

24 (a) Is not an active member of the State Bar of Nevada or
25 otherwise authorized to practice law in this state pursuant to the
26 rules of the Supreme Court; or

27 (b) Is suspended or has been disbarred from membership in the
28 State Bar of Nevada pursuant to the rules of the Supreme Court.

29 2. A person who violates any provision of subsection 1 is
30 guilty of:

31 (a) For a first offense within the immediately preceding 7 years,
32 a misdemeanor.

33 (b) For a second offense within the immediately preceding 7
34 years, a gross misdemeanor.

35 (c) For a third and any subsequent offense within the
36 immediately preceding 7 years, a category E felony and shall be
37 punished as provided in NRS 193.130.

38 3. The State Bar of Nevada may bring a civil action to secure
39 an injunction and any other appropriate relief against a person who
40 violates this section.

41 *4. This section does not apply to a peace officer acting*
42 *pursuant to section 8 of this act.*

