

Amendment No. 99

Senate Amendment to Senate Bill No. 62	(BDR 1-437)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.



SENATE BILL NO. 62—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the Commission on Judicial Discipline. (BDR 1-437)

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 the Commission on Judicial Discipline; ~~providing that an appointing authority may not appoint a person to serve as a member of the Commission if the person has already served at least two consecutive full terms;~~ clarifying the jurisdiction of the Commission and the State Bar of Nevada with regard to judges who are licensed to practice law in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Judicial Discipline has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges. (NRS 1.440) ~~[The Commission consists of seven members who serve for a term of 4 years. The Governor appoints three members of the Commission, and the Nevada Supreme Court and Board of Governors of the State Bar of Nevada each appoint two members. (Nev. Const. Art. 6, § 21)]~~

~~Section 1 of this bill provides that an appointing authority may not appoint a person to serve as a member of the Commission if the person has already served at least two consecutive full terms. Section 2 of this bill provides that the amendatory provisions of this bill apply to an appointment that is made by an appointing authority on or after October 1, 2023, the effective date of this bill.]~~ This bill clarifies that if a judge is licensed to practice law in this State: (1) the State Bar of Nevada has jurisdiction over disciplinary action for acts or omissions that occurred before the date on which the judge entered upon the duties of office; and (2) the Commission has jurisdiction over the public censure, removal, involuntary retirement and other discipline imposed as a result of an act or omission that occurs on and after the date on which the judge enters upon the duties of office.

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

Section 1. ~~NRS 1.445 is hereby amended to read as follows:~~

~~1.445 1. An appointing authority may not appoint a person to serve as a member of the Commission if the person has already served at least two consecutive full terms.~~

~~2. Each appointing authority shall appoint for each position for which the authority makes an appointment to the Commission one or more alternate members. The Governor shall not appoint more than two alternate members of the same political party. An alternate member must not be a member of the Commission on Judicial Selection.~~

~~[2.] 3. An alternate member shall serve:~~

~~(a) When the appointed member is disqualified or unable to serve; or~~

~~(b) When a vacancy exists. (Deleted by amendment.)~~

Sec. 2. ~~[The amendatory provisions of this act apply to an appointment to the Commission on Judicial Discipline that is made by an appointing authority on or after October 1, 2023.] (Deleted by amendment.)~~

Sec. 3. NRS 1.440 is hereby amended to read as follows:

1.440 1. ~~[The]~~ Except as otherwise provided in subsection 2, the Commission has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges which is coextensive with its jurisdiction over justices of the Supreme Court and must be exercised in the same manner and under the same rules.

2. If a judge is licensed to practice law in this State:

(a) The State Bar of Nevada has jurisdiction over disciplinary action for acts or omissions that occurred before the date on which the judge entered upon the duties of office; and

(b) The Commission has jurisdiction over the public censure, removal, involuntary retirement and other discipline imposed as a result of an act or omission that occurs on and after the date on which the judge enters upon the duties of office.

3. Any complaint or action, including, without limitation, an interlocutory action or appeal, filed in connection with any proceeding of the Commission must be filed in the Supreme Court. Any such complaint or action filed in a court other than the Supreme Court shall be presumed to be frivolous and intended solely for the purposes of delay.

~~[3.]~~ 4. The Supreme Court shall appoint two justices of the peace and two municipal judges to sit on the Commission for formal, public proceedings against a justice of the peace or a municipal judge, respectively. Justices of the peace and municipal judges so appointed must be designated by an order of the Supreme Court to sit for such proceedings in place of and to serve for the same terms as the regular members of the Commission appointed by the Supreme Court.