

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; 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:

1 Under existing law, the Commission on Judicial Discipline has exclusive
2 jurisdiction over the public censure, removal, involuntary retirement and other
3 discipline of judges. (NRS 1.440) This bill clarifies that if a judge is licensed to
4 practice law in this State: (1) the State Bar of Nevada has jurisdiction over
5 disciplinary action for acts or omissions that occurred before the date on which the
6 judge entered upon the duties of office; and (2) the Commission has jurisdiction
7 over the public censure, removal, involuntary retirement and other discipline
8 imposed as a result of an act or omission that occurs on and after the date on which
9 the judge enters upon the duties of office.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

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

4 1.440 1. ~~[The]~~ *Except as otherwise provided in subsection 2,*
5 *the* Commission has exclusive jurisdiction over the public censure,
6 removal, involuntary retirement and other discipline of judges which



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1 is coextensive with its jurisdiction over justices of the Supreme
2 Court and must be exercised in the same manner and under the same
3 rules.

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

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

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

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

18 ~~3.1~~ 4. The Supreme Court shall appoint two justices of the
19 peace and two municipal judges to sit on the Commission for
20 formal, public proceedings against a justice of the peace or a
21 municipal judge, respectively. Justices of the peace and municipal
22 judges so appointed must be designated by an order of the Supreme
23 Court to sit for such proceedings in place of and to serve for the
24 same terms as the regular members of the Commission appointed by
25 the Supreme Court.

