

SENATE BILL NO. 63—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 Judicial Department of State Government. (BDR 1-435)

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 Judicial Department of State Government; making various changes relating to the policies and procedures of the Judicial Department; authorizing a judge to hold court by means of remote communication in certain circumstances; requiring the Nevada Supreme Court to prescribe certain policies and procedures relating to the Judicial Department by rule; revising the duties of the Court Administrator; replacing the term “regulation” with “rule” for purposes of certain provisions of law relating to the Judicial Department; revising provisions relating to court interpreters; codifying in statute language from the Nevada Constitution relating to the expiration of the term of office for a justice appointed to fill a vacancy on the Nevada Supreme Court; repealing obsolete provisions relating to the Judicial Department; repealing various provisions relating to recycling, court seals, qualifications of certain employees and reports; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires various courts in this State to follow certain policies and
2 procedures. (Chapters 1-5 of NRS) **Section 1** of this bill replaces a requirement that
3 the telephone number for the office of each judge be published in a telephone
4 directory with a requirement that the contact information for the office of each
5 judge be made available to the public. (NRS 1.055)



Existing law authorizes a judge to issue an order directing that court be held at a location other than the location at which the judge regularly holds court under certain specific emergency circumstances. (NRS 1.070) **Section 2** of this bill authorizes a judge to issue an order directing, instead, that court be held: (1) at any other place or location other than the place or location at which the judge regularly holds court under more generalized emergency circumstances; and (2) by means of remote communication when necessary to promote the interest of justice. **Section 3** of this bill makes a conforming change relating to the appearance of parties by means of remote communication if a judge issues an order directing that court be held remotely.

Section 4 of this bill removes an obsolete prohibition against excluding a minor who is a law student from a criminal trial.

Existing law authorizes: (1) the Nevada Supreme Court to adopt rules relating to the electronic filing, storage and reproduction of documents filed with the court of justice in this State; and (2) each court of justice to provide for such filing, storage and documentation in accordance with the rules adopted by the Supreme Court. (NRS 1.117) **Section 5** of this bill instead requires the Supreme Court to adopt such rules and removes the explicit statutory authorization for other courts of justice in this State to provide for such filing, storage and documentation in accordance with such rules.

Existing law authorizes certain courts to conduct business on nonjudicial days for the purpose of receiving telephone calls relating to the issuance of certain orders for protection. (NRS 1.130) **Section 6** of this bill expands the purposes for which such courts are authorized to transact business on nonjudicial days by authorizing the courts to conduct business on nonjudicial days for the purposes of receiving any electronic communication relating to the issuance of a temporary or emergency order for protection. **Section 31** of this bill makes conforming changes related to the granting of such an order.

Existing law requires each court of justice to have a seal and prescribes requirements relating to the custody and use of such seals. (NRS 1.140-1.190) **Section 37** of this bill repeals various provisions which prescribe requirements relating to seals. **Section 7** of this bill instead requires: (1) each court of justice in this State to have a seal; and (2) the Nevada Supreme Court to adopt rules relating to the format, use and storage of such seals.

Existing law prescribes a procedure for disqualifying certain judges for actual or implied bias or prejudice. (NRS 1.235) **Section 8** of this bill replaces that procedure with a requirement that the Nevada Supreme Court adopt rules prescribing the procedure for the disqualification of certain judges for actual or implied bias or prejudice.

Existing law requires the Nevada Supreme Court to appoint a Court Administrator and prescribes the duties of the Court Administrator. (NRS 1.330, 1.360) **Section 9** of this bill removes from the duties of the Court Administrator the duty to: (1) examine the condition of the dockets of the courts; and (2) make certain recommendations relating to the assignment of district judges.

Existing law provides for the adoption of regulations by the Commission on Judicial Selection, the Court Administrator, the Nevada Supreme Court and certain chief judges or justices relating to the Judicial Department of State Government. (NRS 1.400, 1.510, 1.520, 2.410, 3.025, 4.155, 4.157, 5.021) In general, existing law requires regulations adopted by agencies of the Executive Department of the State Government to be adopted through a rulemaking process. (Chapter 233B of NRS) **Sections 10, 12-15, 25, 26, 28-30, 32 and 33** of this bill replace the term "regulation" with the term "rule" and make conforming changes related to this change.

Section 11 of this bill revises provisions governing the compensation of court interpreters and translators.



Existing law requires the Chief Justice of the Nevada Supreme Court to appoint a committee to provide certain advice relating to the certification or registration of court interpreters. Existing law also prescribes the membership and duties of the committee. (NRS 1.530) **Section 14** of this bill removes requirements relating to the appointment of certain members of the committee. **Section 14** also: (1) authorizes the chair of the committee to designate a vice chair of the committee; and (2) revises the contents of the annual report the committee is required to submit to the Legislature.

Section 16 of this bill replaces certain requirements prescribed by existing law relating to the process by which a person may petition the Court Administrator to determine whether his or her criminal history will disqualify him or her from obtaining a certificate or registration as a court interpreter with a requirement that the Court Administrator adopt rules for this process.

Existing law codifies in statute certain provisions relating to the process set forth in the Nevada Constitution regarding the filling of vacancies in the office of justice of the Nevada Supreme Court. (Nev. Const. Art. 6, § 20; NRS 2.040)

Section 17 of this bill additionally codifies in statute the date on which the term of office for a justice appointed to fill a vacancy on the Court expires. **Section 18** of this bill removes a requirement that certain rules adopted by the Court be published and take effect within a prescribed period. (NRS 2.120)

Sections 19 and 27 of this bill modernize statutory language relating to: (1) the circumstances under which certain courts may direct the sheriff of a county to provide a place to conduct court; and (2) the resources a county is required to provide upon receiving such a directive.

Section 20 of this bill removes provisions relating to the use of a facsimile signature by a justice of the Nevada Supreme Court and replaces those provisions with a requirement that the Court provide by rule for the use of a digital or electronic signature by each justice of the Court.

Existing law authorizes or requires the Nevada Supreme Court to employ certain officers and employees. (NRS 2.200-2.310) **Section 24** of this bill revises provisions relating to the employment by the Court of certain employees by: (1) removing language authorizing a majority of justices of the Court to employ certain persons; and (2) authorizing the Court to employ personnel necessary for the operation, maintenance and improvement of the Court and the State Court System. **Section 21** of this bill removes outdated language relating to the expiration of the term of a person elected to the office of Clerk of the Nevada Supreme Court. **Sections 22 and 23** of this bill remove language authorizing a majority of justices to appoint and employ persons for the safety and security of the justices and employees of the Nevada Supreme Court.

Existing law requires five justices of the Nevada Supreme Court and each judge of the Court of Appeals, other than the initial three judges, to be elected. (NRS 281.010) **Section 35** of this bill removes the references to: (1) the specific number of justices on the Nevada Supreme Court; and (2) the initial judges appointed to the Court of Appeals.

Section 37 repeals various provisions of law relating to the Judicial Department, including provisions relating to recycling, the qualifications of certain employees and the submission of certain reports.



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

Section 1. NRS 1.055 is hereby amended to read as follows:

1.055 ~~[A]~~ *The contact information for the office of each judge [of any court of justice for] in this State [shall cause the telephone number of his or her office that is located within the court to] must be [published in the telephone directory that is provided] made available to the public . [in the jurisdiction in which the court is located.]*

Sec. 2. NRS 1.070 is hereby amended to read as follows:

1.070 *1. A judge authorized to hold or preside at a court appointed to be held in a city, precinct or town, may, by an order filed with the county clerk and published as he or she may prescribe, direct that the court be held or continued [at] :*

(a) At any other place or location in the city or county than that appointed, when [war, pestilence, or other public calamity, or the dangers thereof, or the destruction of the building appointed for holding the court, may] emergency conditions which impair the ability of the court to perform its basic functions render it necessary; [and] or

(b) By means of remote communication when necessary to promote the interest of justice.

2. A judge who directs that the court be held or continued at another place or location pursuant to subsection 1 may, in the same manner, revoke the order and, in his or her discretion, appoint another place [in the same city] or [county] location for holding or continuing the court.

3. As used in this section, "remote communication" means communication through telephone or videoconferencing.

Sec. 3. NRS 1.080 is hereby amended to read as follows:

1.080 When the court is held at a place *or location* appointed as provided in NRS 1.070, every person held to appear at the court shall appear at the place *or location* so appointed.

Sec. 4. NRS 1.090 is hereby amended to read as follows:

1.090 The sitting of every court of justice ~~[shall]~~ *must* be public except as otherwise provided by law , ~~[]~~ but the judge of any court may exclude any minor during any criminal trial therein except ~~[such minor be on trial, or]~~ when *the minor is on trial or is testifying as a witness . [or when the minor shall be a law student preparing to apply for a license to practice law.]*

Sec. 5. NRS 1.117 is hereby amended to read as follows:

1.117 ~~[]~~ The Supreme Court ~~[may]~~ *shall* adopt rules not inconsistent with the laws of this State to provide for the electronic



filing, storage and reproduction of documents filed with the courts of justice.

~~[2. If the Supreme Court adopts such rules, each court of justice may provide for the electronic filing, storage and reproduction of documents filed with the court in accordance with those rules.]~~

Sec. 6. NRS 1.130 is hereby amended to read as follows:

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

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

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

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

(d) To receive *electronic* communications ~~[by telephone and for]~~ *related to* the issuance of:

(1) A temporary order pursuant to subsection 8 of NRS 33.020; or

(2) An emergency order for protection against high-risk behavior pursuant to NRS 33.570.

(e) *For the issuance of any temporary or emergency order listed in paragraph (d).*

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

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

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

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

3. As used in this section, "electronic communication" includes, without limitation, communication made by telephone,



wireless phone or electronic mail or through the use of an Internet or network site.

Sec. 7. NRS 1.140 is hereby amended to read as follows:

~~1.140 [The Supreme Court, the Court of Appeals, the district courts, the justice courts and those municipal courts designated as courts of record pursuant to NRS 5.010]~~

1. Each court of justice in this State shall have a seal.

2. The Supreme Court shall adopt rules relating to the format of a seal required by subsection 1 and the use and storage of any such seal.

Sec. 8. NRS 1.235 is hereby amended to read as follows:

~~1.235 [1.—Any party to an action or proceeding pending in any court other than the Supreme Court or the Court of Appeals, who seeks to disqualify a judge for actual or implied bias or prejudice must file an affidavit specifying the facts upon which the disqualification is sought. The affidavit of a party represented by an attorney must be accompanied by a certificate of the attorney of record that the affidavit is filed in good faith and not interposed for delay. Except as otherwise provided in subsections 2 and 3, the affidavit must be filed:~~

~~—(a) Not less than 20 days before the date set for trial or hearing of the case; or~~

~~—(b) Not less than 3 days before the date set for the hearing of any pretrial matter.~~

~~—2. Except as otherwise provided in this subsection and subsection 3, if a case is not assigned to a judge before the time required under subsection 1 for filing the affidavit, the affidavit must be filed:~~

~~—(a) Within 10 days after the party or the party's attorney is notified that the case has been assigned to a judge;~~

~~—(b) Before the hearing of any pretrial matter; or~~

~~—(c) Before the jury is empaneled, evidence taken or any ruling made in the trial or hearing,~~

~~→ whichever occurs first. If the facts upon which disqualification of the judge is sought are not known to the party before the party is notified of the assignment of the judge or before any pretrial hearing is held, the affidavit may be filed not later than the commencement of the trial or hearing of the case.~~

~~—3. If a case is reassigned to a new judge and the time for filing the affidavit under subsection 1 and paragraph (a) of subsection 2 has expired, the parties have 10 days after notice of the new assignment within which to file the affidavit, and the trial or hearing of the case must be rescheduled for a date after the expiration of the 10-day period unless the parties stipulate to an earlier date.~~



1 ~~—4. At the time the affidavit is filed, a copy must be served upon~~
2 ~~the judge sought to be disqualified. Service must be made by~~
3 ~~delivering the copy to the judge personally or by leaving it at the~~
4 ~~judge's chambers with some person of suitable age and discretion~~
5 ~~employed therein.~~

6 ~~—5. Except as otherwise provided in subsection 6, the judge~~
7 ~~against whom an affidavit alleging bias or prejudice is filed shall~~
8 ~~proceed no further with the matter and shall:~~

9 ~~—(a) If the judge is a district judge, immediately transfer the case~~
10 ~~to another department of the court, if there is more than one~~
11 ~~department of the court in the district, or request the judge of~~
12 ~~another district court to preside at the trial or hearing of the matter;~~

13 ~~—(b) If the judge is a justice of the peace, immediately arrange for~~
14 ~~another justice of the peace to preside at the trial or hearing of the~~
15 ~~matter as provided pursuant to NRS 4.032, 4.340 or 4.345, as~~
16 ~~applicable; or~~

17 ~~—(c) If the judge is a municipal judge, immediately arrange for~~
18 ~~another municipal judge to preside at the trial or hearing of the~~
19 ~~matter as provided pursuant to NRS 5.023 or 5.024, as applicable.~~

20 ~~—6. A judge may challenge an affidavit alleging bias or prejudice~~
21 ~~by filing a written answer with the clerk of the court within 5~~
22 ~~judicial days after the affidavit is filed, admitting or denying any or~~
23 ~~all of the allegations contained in the affidavit and setting forth any~~
24 ~~additional facts which bear on the question of the judge's~~
25 ~~disqualification. The question of the judge's disqualification must~~
26 ~~thereupon be heard and determined by another judge agreed upon by~~
27 ~~the parties or, if they are unable to agree, by a judge appointed:~~

28 ~~—(a) If the judge is a district judge, by the presiding judge of the~~
29 ~~judicial district in judicial districts having more than one judge, or if~~
30 ~~the presiding judge of the judicial district is sought to be~~
31 ~~disqualified, by the judge having the greatest number of years of~~
32 ~~service;~~

33 ~~—(b) If the judge is a justice of the peace, by the presiding judge~~
34 ~~of the justice court in justice courts having more than one justice of~~
35 ~~the peace, or if the presiding judge is sought to be disqualified, by~~
36 ~~the justice of the peace having the greatest number of years of~~
37 ~~service;~~

38 ~~—(c) If the judge is a municipal judge, by the presiding judge of~~
39 ~~the municipal court in municipal courts having more than one~~
40 ~~municipal judge, or if the presiding judge is sought to be~~
41 ~~disqualified, by the municipal judge having the greatest number of~~
42 ~~years of service; or~~

43 ~~—(d) If there is no presiding judge, by the~~ *The Supreme Court [.]*
44 *shall adopt rules prescribing the procedure for disqualifying a*



judge who is not a justice of the Supreme Court or a judge of the Court of Appeals for actual or implied bias or prejudice.

Sec. 9. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the ~~offices of the judges, clerks, court reporters and employees of all~~ courts of this State and make recommendations ~~[, through the Chief Justice,]~~ for the improvement ~~[of those procedures;]~~ *thereof;*

2. ~~[Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~—3— Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~—4.]~~ Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

~~[5.]~~ 3. Prepare and submit a budget of state appropriations necessary for the maintenance, ~~[and]~~ operation *and improvement* of the State Court System and make recommendations in respect thereto;

~~[6.]~~ 4. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

~~[7.]~~ 5. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

~~[8.]~~ 6. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

~~[9.]~~ 7. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

~~[10.]~~ 8. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report:

(a) Compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; and

(b) Concerning:

(1) The distribution of money deposited in the special account created ~~[by]~~ *pursuant to* NRS 176.0613 to assist with funding and establishing specialty court programs;



(2) The current status of any specialty court programs to which money from the account was allocated since the last report;

(3) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and

(4) Such other related information as the Court Administrator deems appropriate; and

~~[[1-]]~~ 9. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 10. NRS 1.400 is hereby amended to read as follows:

1.400 The Commission on Judicial Selection may adopt ~~[regulations]~~ *rules* for the operation of the Commission and for maintaining the confidentiality of its proceedings and records.

Sec. 11. NRS 1.500 is hereby amended to read as follows:

1.500 Interpreters and translators shall receive such fees as the court ~~[by whom they are employed shall certify to be just.]~~ *determines are reasonable and necessary.*

Sec. 12. NRS 1.510 is hereby amended to read as follows:

1.510 1. ~~[The]~~ *Subject to the limits of legislative appropriation, the* Court Administrator shall, with the advice of the committee established pursuant to NRS 1.530, adopt ~~[regulations which, subject to the availability of funding, establish]~~ *rules establishing* a program for the certification or registration of court interpreters for persons with limited English proficiency who are witnesses, defendants and litigants.

2. The ~~[regulations established]~~ *rules adopted* pursuant to subsection 1 must set forth:

(a) The specific languages for which court interpreters may obtain certification or registration . ~~[-, based upon the need for interpreters of those languages.]~~

(b) Any examination and the qualifications which are required for:

(1) Certification or registration; and

(2) Renewal of the certification or registration.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a certificate or registration.

(d) The circumstances under which the Court Administrator will take disciplinary action against a certified or registered court interpreter.

(e) The circumstances under which a court or juvenile court must proceed if a certified or registered interpreter is not available.



(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a certified or registered court interpreter.

3. An application for a certificate or registration as a court interpreter pursuant to subsection 1 must include the social security number of the applicant.

4. Every applicant for certification or registration as a court interpreter pursuant to subsection 1 must submit with his or her application:

(a) A complete set of his or her fingerprints; and

(b) Written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the certification or registration, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

5. Except as otherwise provided by a specific ~~[regulation]~~ *rule* of the Court Administrator, it is grounds for disciplinary action for a certified or registered court interpreter to act as interpreter in any action in which:

(a) The spouse of the court interpreter is a party;

(b) A party or witness is otherwise related to the court interpreter;

(c) The court interpreter is biased for or against one of the parties; or

(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

6. As used in this section, "person with limited English proficiency" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. 13. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. With the advice of the committee established pursuant to NRS 1.530, adopt any ~~[regulations]~~ *rules* necessary to carry out a program for the certification ~~[and]~~ *or* registration of court interpreters ~~[.]~~ *established pursuant to NRS 1.510.*

2. Impose on a certified or registered court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a ~~[regulation]~~ *rule* of the Court Administrator adopted pursuant to this section or NRS 1.510.



Sec. 14. NRS 1.530 is hereby amended to read as follows:

1.530 1. The Chief Justice shall appoint, from a list of recommendations submitted ~~[to the Chief Justice]~~ by the Court Administrator, a committee to advise the Court Administrator regarding *the* adoption of ~~[regulations]~~ *rules* pursuant to NRS 1.510 and 1.520. The committee must consist of:

- (a) A district judge;
- (b) A justice of the peace or municipal judge ; ~~[in a county whose population is less than 100,000;]~~
- (c) An administrator of a district court;
- (d) An administrator of a justice court or municipal court ; ~~[in a county whose population is less than 100,000;]~~
- (e) A representative of the Nevada System of Higher Education;
- (f) A representative of a nonprofit organization ~~[for]~~ *which serves* persons who speak a language other than English;
- (g) A person certified to act as an interpreter for a court of this State or a federal court;
- (h) A person certified to act as an interpreter for a court of this State in the Spanish language; and
- (i) A person certified or registered to act as an interpreter for a court of this State in a language other than Spanish.

2. The Court Administrator is ex officio chair of the committee ~~[]~~ *and may designate another member of the committee to serve as the vice chair of the committee.*

3. Members of the committee shall serve in that capacity without any additional compensation.

4. The committee shall submit an annual report to the Chief Justice and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and make the annual report available to the public. The annual report must contain, without limitation:

(a) A summary of the activities of the committee during the immediately preceding ~~[fiscal]~~ year, including any ~~[development of recommendations for]~~ revisions to the Nevada State Court Language Access Plan adopted by the Nevada Certified Court Interpreter Program as established pursuant to NRS 1.510; and

(b) Statistical information concerning the usage of court interpreters ~~[]~~ *in courts of this State for persons with limited English proficiency*, including, without limitation, information on the usage of ~~[certified]~~ :

(1) Certified and registered court interpreters ; and ~~[the demand for court interpreters for persons with limited English proficiency in courts of this State.]~~

(2) Court interpreters who are not certified or registered when a certified or registered court interpreter is not available.



1 **5. As used in this section, "person with limited English**
2 **proficiency" has the meaning ascribed to it in NRS 1.510.**

3 **Sec. 15.** NRS 1.540 is hereby amended to read as follows:

4 1.540 1. It is unlawful for a person to act as a certified or
5 registered court interpreter or advertise or put out any sign or card or
6 other device which might indicate to the public that the person is
7 entitled to practice as a certified or registered court interpreter
8 without a certificate or registration as an interpreter issued by the
9 Court Administrator pursuant to NRS 1.510 and 1.520.

10 2. No civil action may be instituted, nor recovery therein be
11 had, for a violation of the provisions of this section or NRS 1.510 or
12 1.520 or a violation of a ~~[regulation]~~ **rule** adopted by the Court
13 Administrator pursuant to NRS 1.510 or 1.520.

14 **Sec. 16.** NRS 1.545 is hereby amended to read as follows:

15 1.545 1. The Court Administrator shall ~~{develop and~~
16 ~~implement a}~~ **adopt rules prescribing the** process by which a person
17 with a criminal history may petition the Court Administrator to
18 review the criminal history of the person to determine if the person's
19 criminal history will disqualify the person from obtaining a
20 certificate or registration as a court interpreter pursuant to
21 NRS 1.510.

22 2. ~~{Not later than 90 days after a petition is submitted to the~~
23 ~~Court Administrator pursuant to subsection 1, the Court~~
24 ~~Administrator shall inform the person of the determination of the~~
25 ~~Court Administrator of whether the person's criminal history will~~
26 ~~disqualify the person from obtaining a certificate or registration. The~~
27 ~~Court Administrator is not bound by his or her determination of~~
28 ~~disqualification or qualification and may rescind such a~~
29 ~~determination at any time.~~

30 ~~3. The Court Administrator may provide instructions to a~~
31 ~~person who receives a determination of disqualification to remedy~~
32 ~~the determination of disqualification. A person may resubmit a~~
33 ~~petition pursuant to subsection 1 not earlier than 6 months after~~
34 ~~receiving instructions pursuant to this subsection if the person~~
35 ~~remedies the determination of disqualification.~~

36 ~~4. A person with a criminal history may petition the Court~~
37 ~~Administrator at any time, including, without limitation, before~~
38 ~~obtaining any education or paying any fee required to obtain a~~
39 ~~certificate or registration.~~

40 ~~5. A person may submit a new petition to the Court~~
41 ~~Administrator not earlier than 2 years after the final determination~~
42 ~~of the initial petition submitted to the Court Administrator.~~

43 ~~6.]~~ The Court Administrator may ~~{impose}~~ **adopt rules**
44 **establishing** a fee of up to \$50 upon the person to fund the
45 administrative costs in complying with the provisions of this



1 section. ~~[The Court Administrator may waive such fees or allow~~
2 ~~such fees to be covered by funds from a scholarship or grant.~~

3 ~~—7. The Court Administrator may post on its Internet website:~~

4 ~~—(a) The requirements to obtain a certification or registration as a~~
5 ~~court interpreter; and~~

6 ~~—(b) A list of crimes, if any, that would disqualify a person from~~
7 ~~obtaining a certification or registration as a court interpreter from~~
8 ~~the Court Administrator.~~

9 ~~—8. The Court Administrator may request the criminal history~~
10 ~~record of a person who petitions the Court Administrator for a~~
11 ~~determination pursuant to subsection 1. To the extent consistent~~
12 ~~with federal law, if the Court Administrator makes such a request of~~
13 ~~a person, the Court Administrator shall require the person to submit~~
14 ~~his or her criminal history record which includes a report from:~~

15 ~~—(a) The Central Repository for Nevada Records of Criminal~~
16 ~~History; and~~

17 ~~—(b) The Federal Bureau of Investigation.~~

18 ~~—9. A person who petitions the Court Administrator for a~~
19 ~~determination pursuant to subsection 1 shall not submit false or~~
20 ~~misleading information to the Court Administrator.~~

21 ~~—10. The Court Administrator shall, on or before the 20th day of~~
22 ~~January, April, July and October, submit to the Director of the~~
23 ~~Legislative Counsel Bureau in an electronic format prescribed by~~
24 ~~the Director, a report that includes:~~

25 ~~—(a) The number of petitions submitted to the Court~~
26 ~~Administrator pursuant to subsection 1;~~

27 ~~—(b) The number of determinations of disqualification made by~~
28 ~~the Court Administrator pursuant to subsection 1;~~

29 ~~—(c) The reasons for such determinations; and~~

30 ~~—(d) Any other information that is requested by the Director or~~
31 ~~which the Court Administrator determines would be helpful.~~

32 ~~—11. The Director shall transmit a compilation of the~~
33 ~~information received pursuant to subsection 10 to the Legislative~~
34 ~~Commission quarterly, unless otherwise directed by the~~
35 ~~Commission.]~~

36 **Sec. 17.** NRS 2.040 is hereby amended to read as follows:

37 2.040 Whenever any vacancy ~~[shall occur]~~ **occurs** in the office
38 of justice of the Supreme Court, the Governor shall fill the same by
39 granting a commission ~~[.]~~ **to a candidate put forth by the**
40 **Commission on Judicial Selection,** which ~~[shall expire at]~~ **expires**
41 **on the first Monday of January following** the next general election
42 by the people and upon the qualification of his or her successor, at
43 which election a justice ~~[shall]~~ **must** be chosen for the balance of the
44 unexpired term.



Sec. 18. NRS 2.120 is hereby amended to read as follows:

2.120 1. The Supreme Court may make rules not inconsistent with the Constitution and laws of the State for its own government, the government of the district courts, and the government of the State Bar of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court . ~~[which in no event shall be less than 30 days after entry of an order adopting such rules.]~~

2. The Supreme Court, by rules adopted and published from time to time, shall regulate original and appellate civil practice and procedure, including, without limitation, pleadings, motions, writs, notices and forms of process, in judicial proceedings in all courts of the State, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify any substantive right and shall not be inconsistent with the Constitution of the State of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court . ~~[which in no event shall be less than 60 days after entry of an order adopting such rules.]~~

Sec. 19. NRS 2.150 is hereby amended to read as follows:

2.150 If ~~[a room in which to hold the court, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, is]~~ *an appropriate facility and any necessary staff, materials and technological resources* are not provided by the State, the Court may direct the sheriff of any county where the session is held to provide ~~[a room, attendants, fuel, lights and stationery,]~~ *an appropriate facility and any staff, materials and technological resources necessary for the transaction of the business of the Court,* and the expenses must be paid out of the State Treasury.

Sec. 20. NRS 2.195 is hereby amended to read as follows:

2.195 ~~[1. Each justice of the]~~ *The* Supreme Court ~~[may use a facsimile]~~ *shall provide by rule for the use of a digital signature or electronic* signature ~~[produced through a mechanical device in place of the justice's handwritten signature whenever the necessity arises and upon approval]~~ *by each justice* of the Supreme Court . ~~[, subject to the following conditions:~~

—(a) ~~That the mechanical device must be of such a nature that the facsimile signature may be removed from the mechanical device and kept in a separate secure place.~~

—(b) ~~That the use of the facsimile signature may be made only under the direction and supervision of the justice whose signature it represents.~~



1 ~~—(c) That the entire mechanical device must at all times be kept in~~
2 ~~a vault, securely locked, when not in use, to prevent any misuse of~~
3 ~~the device.~~

4 ~~—2. No facsimile signature produced through a mechanical~~
5 ~~device authorized by the provisions of this section may be combined~~
6 ~~with the signature of another officer.]~~

7 **Sec. 21.** NRS 2.200 is hereby amended to read as follows:

8 2.200 ~~[1.]~~ The Supreme Court shall appoint a Clerk of the
9 Supreme Court ~~[-; but any person elected to the office of Clerk of the~~
10 ~~Supreme Court before July 1, 1957, shall continue to hold such~~
11 ~~office until the expiration of the term for which he or she may have~~
12 ~~been elected.~~

13 ~~—2. The Clerk of the Supreme Court shall hold office and be~~
14 ~~removable] who serves~~ at the pleasure of the Supreme Court.

15 **Sec. 22.** NRS 2.290 is hereby amended to read as follows:

16 2.290 The Supreme Court ~~[-; or a majority thereof,]~~ is
17 authorized to designate any person appointed and employed
18 pursuant to NRS 2.295 to act as Bailiff of the Supreme Court.

19 **Sec. 23.** NRS 2.295 is hereby amended to read as follows:

20 2.295 The Supreme Court ~~[-; or a majority thereof,]~~ is
21 authorized to appoint and employ one or more persons to provide
22 for the safety and security of the justices and employees of the
23 Supreme Court and to carry out any necessary police duties at the
24 direction of the Chief Justice to maintain safe and reasonable access
25 to justice for residents of Nevada.

26 **Sec. 24.** NRS 2.300 is hereby amended to read as follows:

27 2.300 The Supreme Court ~~[-; or a majority thereof,]~~ is
28 authorized to employ ~~[stenographic clerks, law clerks, legal~~
29 ~~assistants, legal secretaries and other]~~ necessary employees ~~[within~~
30 ~~the limits of the appropriation made for the support of the Supreme~~
31 ~~Court.] for the operation, maintenance and improvement of the~~
32 ~~Court and the State Court System.~~

33 **Sec. 25.** NRS 2.410 is hereby amended to read as follows:

34 2.410 The Supreme Court Law Library ~~[shall]~~ **must** be under
35 the supervision and control of the Supreme Court, which may make
36 and enforce such rules ~~[and regulations]~~ as may be necessary for the
37 government, use and services of the Library. Such rules ~~[or~~
38 ~~regulations shall]~~ **must** assure that the Library is accessible for
39 public use and to users in all parts of the State.

40 **Sec. 26.** NRS 3.025 is hereby amended to read as follows:

41 3.025 1. In each judicial district that includes a county whose
42 population is 100,000 or more, the district judges of that judicial
43 district shall choose from among those district judges a Chief Judge
44 who is to be the presiding judge of the judicial district.

45 2. The Chief Judge shall:



- 1 (a) Assign cases to each judge in the judicial district;
- 2 (b) Prescribe the hours of court;
- 3 (c) Adopt such other rules ~~for regulations~~ as are necessary for
- 4 the orderly conduct of court business; and
- 5 (d) Perform all other duties of the Chief Judge or of a presiding
- 6 judge that are set forth in this chapter and any other provision of
- 7 NRS.

8 3. If a case involves a matter within the jurisdiction of the

9 family court and:

10 (a) The parties to the case are also the parties in any other

11 pending case or were the parties in any other previously decided

12 case assigned to a department of the family court in the judicial

13 district; or

14 (b) A child involved in the case is also involved in any other

15 pending case or was involved in any other previously decided case

16 assigned to a department of the family court in the judicial district,

17 other than a case within the jurisdiction of the juvenile court

18 pursuant to title 5 of NRS,

19 ↪ the Chief Judge shall assign the case to the department of the

20 family court to which the other case is presently assigned or, if the

21 other case has been decided, to the department of the family court

22 that decided the other case, unless a different assignment is required

23 by another provision of NRS, a court rule or the Revised Nevada

24 Code of Judicial Conduct or the Chief Judge determines that a

25 different assignment is necessary because of considerations related

26 to the management of the caseload of the district judges within the

27 judicial district. If a case described in this subsection is heard

28 initially by a master, the recommendation, report or order of the

29 master must be submitted to the district judge of the department of

30 the family court to which the case has been assigned pursuant to this

31 subsection for consideration and decision by that district judge.

32 **Sec. 27.** NRS 3.100 is hereby amended to read as follows:

33 3.100 1. Except as otherwise provided in this subsection, the

34 district courts shall hold court at the county seat of their respective

35 counties. The board of county commissioners may establish one or

36 more additional locations within the county for the district court to

37 hold court.

38 2. If a ~~room~~ *county neglects or refuses to provide an*

39 *appropriate facility* for holding court , ~~at the county seat is not~~

40 ~~provided by the county, together with attendants, fuel, lights and~~

41 ~~stationery, suitable and sufficient for the transaction of business,]~~

42 the court may direct the sheriff to provide ~~such room, attendants,~~

43 ~~fuel, lights and stationery,]~~ *an appropriate facility and any staff,*

44 *materials and technological resources necessary for the*



1 *transaction of the business of the court*, and the expenses thereof
2 ~~[shall be]~~ *are* a county charge.

3 3. An office at each county seat must be provided and
4 furnished by and at the expense of the several counties for the
5 several district judges. Whenever the county commissioners of any
6 county neglect or refuse to provide and furnish such an office for the
7 use of the district judge, the district judge may make an order, which
8 must be entered upon the minutes of the court, requiring the sheriff
9 to provide and furnish the office. The necessary expenses incurred
10 therein are a legal and valid claim against the county.

11 **Sec. 28.** NRS 4.155 is hereby amended to read as follows:

12 4.155 In townships where more than one justice of the peace
13 has been provided for by NRS 4.020, such justices of the peace shall
14 have concurrent and coextensive jurisdiction within the territorial
15 limits provided by law, and may make such rules ~~[and regulations,]~~
16 not inconsistent with law, as will enable them to transact judicial
17 business in a convenient and lawful manner.

18 **Sec. 29.** NRS 4.157 is hereby amended to read as follows:

19 4.157 1. The justices of the peace of each justice court having
20 more than one justice of the peace shall choose from among those
21 justices of the peace a chief justice of the peace who is to be the
22 presiding judge of that court.

23 2. The chief justice of the peace shall:

- 24 (a) Assign cases to each justice of the peace of the justice court;
25 (b) Prescribe the hours of court;
26 (c) Adopt such other rules ~~[or regulations]~~ as are necessary for
27 the orderly conduct of court business; and
28 (d) Perform all other duties of the chief justice of the peace or of
29 the presiding judge of a justice court that are set forth in this chapter
30 and any other provision of NRS.

31 **Sec. 30.** NRS 5.021 is hereby amended to read as follows:

32 5.021 1. The municipal judges of each municipal court
33 having more than one municipal judge shall choose from among
34 those municipal judges a chief municipal judge who is to be the
35 presiding judge of that court.

36 2. The chief municipal judge shall:

- 37 (a) Assign cases to each judge in the municipal court;
38 (b) Prescribe the hours of court;
39 (c) Adopt such other rules ~~[or regulations]~~ as are necessary for
40 the orderly conduct of court business; and
41 (d) Perform all other duties of the chief municipal judge or of
42 the presiding judge of a municipal court that are set forth in this
43 chapter and any other provision of NRS.



Sec. 31. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.

2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence. If the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose his or her address and contact information in the application. If the applicant declines to disclose his or her address and contact information in the application, then such information:

(a) Must be disclosed to the court and, for criminal justice purposes, to any other authorized agency of criminal justice to allow the agency of criminal justice to carry out any duty required pursuant to NRS 33.017 to 33.100, inclusive;

(b) Must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and

(c) Must not be released, disclosed or made accessible to the public, except as authorized by the court.

3. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

5. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.

6. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a second hearing on an application for an extended order pursuant to



subsection 5, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

7. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

8. If it appears to the satisfaction of the court from specific facts communicated by ~~{telephone}~~ *electronic means* to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

9. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive *electronic* communications ~~{by telephone}~~ and for the issuance of a temporary order pursuant to subsection 8.

10. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive *electronic* communications ~~{by telephone}~~ and for the issuance of a temporary order pursuant to subsection 8.

11. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

12. As used in this section, “agency of criminal justice” has the meaning ascribed to it in NRS 179A.030.

Sec. 32. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a ~~{regulation}~~ *rule* of the Court Administrator adopted pursuant to NRS 1.510 and



1 1.520, a person shall not act as an interpreter in a proceeding if the
2 interpreter is:

- 3 (a) The spouse of a witness;
- 4 (b) Otherwise related to a witness;
- 5 (c) Biased for or against one of the parties; or
- 6 (d) Otherwise interested in the outcome of the proceeding.

7 2. Before undertaking his or her duties, the interpreter shall
8 swear or affirm that he or she will:

9 (a) To the best of his or her ability, interpret accurately to the
10 person with limited English proficiency in the language of the
11 person, questions and statements addressed to the person;

12 (b) Make a true interpretation of the statements of the person
13 with limited English proficiency in an understandable manner; and

14 (c) Repeat the statements of the person with limited English
15 proficiency to the best of his or her ability.

16 3. While in the proper performance of his or her duties, an
17 interpreter has the same rights and privileges as the person with
18 limited English proficiency including the right to examine all
19 relevant material, but is not entitled to waive or exercise any of
20 those rights or privileges on behalf of the person with limited
21 English proficiency.

22 4. If an interpreter appointed for a person with limited English
23 proficiency is not effectively or accurately communicating with or
24 on behalf of the person, and that fact becomes known to the person
25 who appointed the interpreter, another interpreter must be
26 appointed.

27 5. Claims against a county, municipality, this State or any
28 agency thereof for the compensation of an interpreter in a criminal
29 proceeding or other proceeding for which an interpreter must be
30 provided at public expense must be paid in the same manner as
31 other claims against the respective entities are paid. Payment may be
32 made only upon the certificate of the judge, magistrate or other
33 person presiding over the proceedings that the interpreter has
34 performed the services required and incurred the expense claimed.

35 6. As used in this section:

36 (a) "Interpreter" means a person who has a certificate or
37 registration as an interpreter issued by the Court Administrator
38 pursuant to NRS 1.510 and 1.520.

39 (b) "Person with limited English proficiency" has the meaning
40 ascribed to it in NRS 1.510.

41 **Sec. 33.** NRS 50.0545 is hereby amended to read as follows:

42 50.0545 1. An interpreter must be appointed at public
43 expense for a person with limited English proficiency who is a
44 defendant or a witness in a criminal proceeding.



2. If a certified or registered court interpreter is not available, a court shall appoint an interpreter in accordance with the ~~regulations~~ rules adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 34. NRS 62D.405 is hereby amended to read as follows:

62D.405 1. The juvenile court shall appoint at public expense an interpreter for a person with limited English proficiency in all proceedings conducted pursuant to the provisions of this title if the person with limited English proficiency is:

(a) The child who is alleged to be or has been adjudicated delinquent or in need of supervision;

(b) A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or

(c) A person who appears as a witness.

2. If a certified or registered court interpreter is not available, the juvenile court shall appoint an interpreter in accordance with the ~~regulations~~ rules adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 35. NRS 281.010 is hereby amended to read as follows:

281.010 1. The following officers must be elected:

(a) A Governor.

(b) A Lieutenant Governor.

(c) Two United States Senators.

(d) The number of members of the House of Representatives of the United States to which this State may be entitled.

(e) The number of presidential electors to which this State may be entitled.

(f) ~~Five justices~~ Justices of the Supreme Court.

(g) Judges of the Court of Appeals . ~~Other than the initial three judges.~~

(h) District judges.

(i) Senators and members of the Assembly.

(j) A Secretary of State.



(k) A State Treasurer.

(l) A State Controller.

(m) An Attorney General.

(n) Other officers whose elections are provided for by law.

(o) For each county, and the equivalent officers for Carson City:

(1) One county clerk, who is ex officio clerk of the board of county commissioners and *may also be* clerk of the district court of the county.

(2) One sheriff.

(3) One district attorney.

(4) One public administrator, except where otherwise provided by law.

(5) One county assessor, except where otherwise provided by law.

(6) One county treasurer, except where otherwise provided by law.

(7) The number of county commissioners as provided by law.

(8) One county recorder, who is ex officio county auditor in counties in which a county comptroller has not been appointed.

(9) Justices of the peace.

(10) Constables, except where otherwise provided by law.

2. All officers who are not elected must be appointed.

Sec. 36. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 37. NRS 1.060, 1.115, 1.116, 1.150, 1.170, 1.180, 1.270, 2.210, 2.230, 2.240, 2.255, 2.270, 2.420, 2.440 and 2.450 are hereby repealed.

Sec. 38. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 37, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any rules and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

(b) On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

1.060 Adjournment on absence of judge.

1.115 Recycling of paper and paper products, electronic waste and other recyclable materials by courts.



- 1.116 Removal of data stored on electronic waste.**
- 1.150 Clerk of district court to procure seal; form of seal.**
- 1.170 Custody of seal.**
- 1.180 Documents to which seal affixed.**
- 1.270 No judge or justice of the peace to have partner practicing law.**
- 2.210 Qualifications of Clerk.**
- 2.230 Deputy clerks.**
- 2.240 Clerical assistants.**
- 2.255 Penalties for violations by Clerk.**
- 2.270 Destruction of obsolete exhibits by Clerk.**
- 2.420 Hours of use by public.**
- 2.440 Qualifications of Librarian.**
- 2.450 Biennial report.**

