

Amendment No. 279

Senate Amendment to Senate Bill No. 354	(BDR 1-809)
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.

MR/BAW



Date: 4/18/2023

S.B. No. 354—Revises provisions relating to justices of the peace. (BDR 1-809)



SENATE BILL NO. 354—SENATOR SCHEIBLE

MARCH 22, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to justices of the peace. (BDR 1-809)

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 justices of the peace; requiring justices of the peace to have passed ~~[the Multistate Professional Responsibility Examination]~~ **an examination prescribed by the Nevada Supreme Court** in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prescribes the qualifications for a person to be a candidate for or be eligible
2 to the office of justice of the peace, including, without limitation, the requirement that such a
3 person have a high school diploma or its equivalent as determined by the State Board of
4 Education. (NRS 4.010) **Section 1** of this bill additionally requires a justice of the peace ~~to~~
5 ~~have passed the Multistate Professional Responsibility Examination administered by the~~
6 ~~National Conference of Bar Examiners, unless the National Conference of Bar Examiners~~
7 ~~prohibits a justice of the peace from registering for or taking the Examination.]~~ **who is not**
8 **licensed or admitted to practice law in the courts of this State at the time of his or her**
9 **election or appointment to pass an examination prescribed by the Nevada Supreme**
10 **Court within 18 months after taking the official oath. Section 1 requires that such an**
11 **examination test the competency of the examinee’s knowledge on certain subject matters**
12 **related to the duties of a justice of the peace.**

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

1 **Section 1.** NRS 4.010 is hereby amended to read as follows:
2 4.010 1. A person may not be a candidate for or be eligible to the office of
3 justice of the peace unless the person is a qualified elector and has never been
4 removed or retired from any judicial office by the Commission on Judicial
5 Discipline. For the purposes of this subsection, a person is eligible to be a candidate
6 for the office of justice of the peace if a decision to remove or retire the person
7 from a judicial office is pending appeal before the Supreme Court or has been
8 overturned by the Supreme Court.
9 2. A justice of the peace must have a high school diploma or its equivalent as
10 determined by the State Board of Education.

1 3. ~~[A justice of the peace must have received a passing score on the~~
2 ~~Multistate Professional Responsibility Examination administered by the National~~
3 ~~Conference of Bar Examiners, or its successor organization, unless the National~~
4 ~~Conference of Bar Examiners prohibits a justice of the peace from registering for~~
5 ~~and taking the Examination.] In addition to any other requirement provided by~~
6 ~~law or a court rule, a justice of the peace who is not licensed or admitted to~~
7 ~~practice law in the courts of this State at the time of his or her election or~~
8 ~~appointment must pass an examination prescribed by the Nevada Supreme Court~~
9 ~~within 18 months after taking the official oath. The examination must test the~~
10 ~~competency of the examinee's knowledge on subject matters related to the duties~~
11 ~~of a justice of the peace, including, without limitation:~~

12 (a) Judicial decorum;

13 (b) Application of the Revised Nevada Code of Judicial Conduct;

14 (c) Criminal and civil actions and proceedings over which a justice court has
15 ~~jurisdiction, including, without limitation, the issuance of temporary or extended~~
16 ~~orders for protection; and~~

17 (d) The financial administration of a court, including, without limitation, the
18 ~~minimum accounting standards of a justice court.~~

19 4. In a county whose population is 100,000 or more, a justice of the peace in a
20 township whose population is 100,000 or more must be an attorney who:

21 (a) Is licensed and admitted to practice law in the courts of this State at the
22 time of his or her election or appointment; and

23 (b) Has been licensed and admitted to practice law in the courts of this State,
24 another state or the District of Columbia for not less than 5 years at any time
25 preceding his or her election or appointment.

26 ~~[4.]~~ 5. Subsections 2 and ~~[3]~~ 4 do not apply to any person who held the office
27 of justice of the peace on June 30, 2001.

28 Sec. 2. The amendatory provisions of this act do not apply to a justice of the
29 peace who holds the office of justice of the peace on July 1, 2023. ~~[, unless the~~
30 ~~justice of the peace files a declaration of candidacy or is elected or appointed to a~~
31 ~~term of office on or after July 1, 2023, as applicable.]~~

32 Sec. 3. 1. This ~~[act]~~ section becomes effective ~~[on]~~ upon passage and
33 approval.

34 2. Sections 1 and 2 of this act become effective:

35 (a) Upon passage and approval for the purpose of adopting any
36 regulations and performing any other preparatory administrative tasks that
37 are necessary to carry out the provisions of this act; and

38 (b) On July 1, 2023 ~~[,]~~, for all other purposes.