

ASSEMBLY BILL NO. 337—ASSEMBLYMAN HAMBRICK

MARCH 16, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the dissolution and annulment of marriage. (BDR 11-77)

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 domestic relations; removing the requirement concerning the period that a plaintiff or defendant must reside in this State to enable a court to have jurisdiction to grant a divorce or annulment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a divorce from the bonds of matrimony to be obtained
2 by verified complaint to the district court of any county: (1) in which the cause
3 therefor accrued; (2) in which the defendant resides or may be found; (3) in which
4 the plaintiff resides; (4) in which the parties last cohabited; or (5) if the plaintiff
5 resided 6 weeks in Nevada before the suit was brought. Existing law also generally
6 provides that a court does not have jurisdiction to grant a divorce unless either the
7 plaintiff or defendant has been a resident of Nevada for a period of not less than 6
8 weeks preceding the commencement of the action. (NRS 125.020) **Section 1** of this
9 bill removes the provisions concerning the 6-week residency requirement,
10 effectively providing that a court has jurisdiction to grant a divorce as long as the
11 plaintiff or defendant is a resident of this State.

12 Existing law also provides that a district court in this State has jurisdiction to
13 annul a marriage contracted, performed or entered into outside this State only if one
14 of the parties has resided in this State for at least 6 weeks before seeking the
15 annulment. (NRS 125.370) **Section 2** of this bill removes the 6-week residency
16 requirement, effectively providing that a court has jurisdiction to grant an
17 annulment as long as the plaintiff or defendant is a resident of this State.



* A B 3 3 7 *

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

1 **Section 1.** NRS 125.020 is hereby amended to read as follows:
2 125.020 1. Divorce from the bonds of matrimony may be
3 obtained for the causes provided in NRS 125.010, by verified
4 complaint to the district court of any county:

- 5 (a) In which the cause therefor accrued;
6 (b) In which the defendant resides or may be found;
7 (c) In which the plaintiff resides; *or*
8 (d) In which the parties last cohabited. ~~}; or~~
9 ~~—(e) If plaintiff resided 6 weeks in the State before suit was~~
10 ~~brought.}~~

11 2. Unless the cause of action accrued within the county while
12 the plaintiff and defendant were actually domiciled therein, no court
13 has jurisdiction to grant a divorce unless either the plaintiff or
14 defendant ~~has been~~ *is a* resident of ~~the~~ *this* State. ~~{for a period of~~
15 ~~not less than 6 weeks preceding the commencement of the action.}~~

16 **Sec. 2.** NRS 125.370 is hereby amended to read as follows:

17 125.370 1. Annulment of marriages contracted, performed or
18 entered into ~~{without the}~~ *outside this* State ~~{of Nevada}~~ may, for
19 any cause provided by law for annulment of marriage, be obtained
20 by complaint, under oath, to the district court of ~~any~~ :

21 (a) *Any* county if the plaintiff ~~{shall have resided 6 weeks in the}~~
22 *is a resident of this* State before suit ~~{be}~~ *is* brought ~~}; otherwise, by~~
23 ~~complaint, under oath, to the district court of the}~~ ; *or*

24 (b) *The* county in which:

25 ~~{(a)}~~ (1) The defendant ~~{shall reside}~~ *resides* or ~~{be}~~ *is* found; or

26 ~~{(b)}~~ (2) The plaintiff ~~{shall reside,}~~ *resides*, if the ~~{latter be}~~
27 *plaintiff resides in* the county in which the parties last cohabited.

28 2. No court in this State ~~{shall have}~~ *has* authority to annul any
29 marriage contracted, performed or entered into ~~{without the}~~ *outside*
30 *this* State ~~{of Nevada}~~ unless one of the parties ~~{shall have resided}~~
31 *resides* in this State. ~~{for the period of 6 weeks before filing of the~~
32 ~~complaint.}~~

33 **Sec. 3.** This act becomes effective on July 1, 2015.

