

ASSEMBLY BILL NO. 424—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO CONDUCT AN  
INTERIM STUDY OF ISSUES RELATING TO PRETRIAL  
RELEASE OF DEFENDANTS IN CRIMINAL CASES)

MARCH 26, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to pretrial release.  
(BDR 14-374)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 5.7)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 criminal procedure; authorizing a court to adopt an administrative order relating to pretrial release; requiring a pretrial release hearing to be held within 48 hours after a person has been taken into custody; authorizing a justice of the peace to conduct a pretrial release hearing for a person located in another township; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The Nevada Constitution prohibits the imposition of excessive bail and requires  
2 all persons arrested for offenses other than murder of the first degree to be admitted  
3 to bail. (Nev. Const. Art. 1, §§ 6, 7)

4 Existing law sets forth separate procedures for a court to release a person with  
5 bail and without bail. (NRS 178.484, 178.4851) **Section 5.7** of this bill requires  
6 courts to hold a pretrial release hearing, in open court or by means of remote  
7 communication, to determine the custody status of a person within 48 hours after  
8 the person has been taken into custody, unless good cause is shown by a party, in  
9 which case the court is authorized to continue the pretrial release hearing.

10 Existing law provides that, with certain exceptions, in criminal cases the  
11 jurisdiction of a justice of the peace extends to the limits of the county of the justice  
12 of the peace. (NRS 4.370) **Section 14.5** of this bill authorizes a justice of the peace  
13 to conduct a pretrial release hearing for a person in another township.



14 Existing law authorizes a sheriff or chief of police to release, without bail, a  
15 person charged with a misdemeanor in accordance with the standards established by  
16 a court of competent jurisdiction. (NRS 178.4851) **Section 5.5** of this bill  
17 authorizes a court of competent jurisdiction to adopt an administrative order  
18 relating to the circumstances under which a person may be released from custody  
19 pending trial, including, without limitation, those circumstances under which a  
20 sheriff or chief of police may release a person, without bail, who is charged with a  
21 misdemeanor.

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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.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 5.3.** Chapter 178 of NRS is hereby amended by adding  
7 thereto the provisions set forth as sections 5.5 and 5.7 of this act.

8 **Sec. 5.5.** *A court of competent jurisdiction may adopt an*  
9 *administrative order relating to the circumstances under which a*  
10 *person may be released from custody without a pretrial release*  
11 *hearing, including, without limitation, those circumstances under*  
12 *which a sheriff or chief of police may release, without bail, a*  
13 *person charged with a misdemeanor.*

14 **Sec. 5.7. 1.** *Except as otherwise provided in this section,*  
15 *NRS 178.484 and section 5.5 of this act, a court shall, within 48*  
16 *hours after a person has been taken into custody, hold a pretrial*  
17 *release hearing, in open court or by means of remote*  
18 *communication, to determine the custody status of the person. The*  
19 *pretrial release hearing may be continued for good cause shown.*

20 **2.** *As used in this section, "remote communication" means*  
21 *communication through telephone or videoconferencing.*

22 **Sec. 6.** NRS 178.483 is hereby amended to read as follows:

23 178.483 As used in NRS 178.483 to 178.548, inclusive, *and*  
24 *sections 5.5 and 5.7 of this act*, unless the context otherwise  
25 requires, "electronic transmission," "electronically transmit" or  
26 "electronically transmitted" means any form or process of  
27 communication not directly involving the physical transfer of paper  
28 or another tangible medium which:

29 1. Is suitable for the retention, retrieval and reproduction of  
30 information by the recipient; and

31 2. Is retrievable and reproducible in paper form by the recipient  
32 through an automated process used in conventional commercial  
33 practice.

34 **Sec. 7.** (Deleted by amendment.)



1     **Sec. 8.** (Deleted by amendment.)

2     **Sec. 9.** (Deleted by amendment.)

3     **Sec. 10.** (Deleted by amendment.)

4     **Sec. 11.** (Deleted by amendment.)

5     **Sec. 11.5.** (Deleted by amendment.)

6     **Sec. 12.** (Deleted by amendment.)

7     **Sec. 13.** (Deleted by amendment.)

8     **Sec. 14.** (Deleted by amendment.)

9     **Sec. 14.5.** NRS 4.370 is hereby amended to read as follows:

10    4.370 1. Except as otherwise provided in subsection 2, justice  
11 courts have jurisdiction of the following civil actions and  
12 proceedings and no others except as otherwise provided by specific  
13 statute:

14    (a) In actions arising on contract for the recovery of money only,  
15 if the sum claimed, exclusive of interest, does not exceed \$15,000.

16    (b) In actions for damages for injury to the person, or for taking,  
17 detaining or injuring personal property, or for injury to real property  
18 where no issue is raised by the verified answer of the defendant  
19 involving the title to or boundaries of the real property, if the  
20 damage claimed does not exceed \$15,000.

21    (c) Except as otherwise provided in paragraph (l), in actions for  
22 a fine, penalty or forfeiture not exceeding \$15,000, given by statute  
23 or the ordinance of a county, city or town, where no issue is raised  
24 by the answer involving the legality of any tax, impost, assessment,  
25 toll or municipal fine.

26    (d) In actions upon bonds or undertakings conditioned for the  
27 payment of money, if the sum claimed does not exceed \$15,000,  
28 though the penalty may exceed that sum. Bail bonds and other  
29 undertakings posted in criminal matters may be forfeited regardless  
30 of amount.

31    (e) In actions to recover the possession of personal property, if  
32 the value of the property does not exceed \$15,000.

33    (f) To take and enter judgment on the confession of a defendant,  
34 when the amount confessed, exclusive of interest, does not exceed  
35 \$15,000.

36    (g) Of actions for the possession of lands and tenements where  
37 the relation of landlord and tenant exists, when damages claimed do  
38 not exceed \$15,000 or when no damages are claimed.

39    (h) Of actions when the possession of lands and tenements has  
40 been unlawfully or fraudulently obtained or withheld, when  
41 damages claimed do not exceed \$15,000 or when no damages are  
42 claimed.

43    (i) Of suits for the collection of taxes, where the amount of the  
44 tax sued for does not exceed \$15,000.



1 (j) Of actions for the enforcement of mechanics' liens, where the  
2 amount of the lien sought to be enforced, exclusive of interest, does  
3 not exceed \$15,000.

4 (k) Of actions for the enforcement of liens of owners of facilities  
5 for storage, where the amount of the lien sought to be enforced,  
6 exclusive of interest, does not exceed \$15,000.

7 (l) In actions for a fine imposed for a violation of  
8 NRS 484D.680.

9 (m) Except as otherwise provided in this paragraph, in any  
10 action for the issuance of a temporary or extended order for  
11 protection against domestic violence pursuant to NRS 33.020. A  
12 justice court does not have jurisdiction in an action for the issuance  
13 of a temporary or extended order for protection against domestic  
14 violence:

15 (1) In a county whose population is 100,000 or more and less  
16 than 700,000;

17 (2) In any township whose population is 100,000 or more  
18 located within a county whose population is 700,000 or more; or

19 (3) If a district court issues a written order to the justice court  
20 requiring that further proceedings relating to the action for the  
21 issuance of the order for protection be conducted before the district  
22 court.

23 (n) Except as otherwise provided in this paragraph, in any action  
24 for the issuance of an ex parte or extended order for protection  
25 against high-risk behavior pursuant to NRS 33.570 or 33.580. A  
26 justice court does not have jurisdiction in an action for the issuance  
27 of an ex parte or extended order for protection against high-risk  
28 behavior:

29 (1) In a county whose population is 100,000 or more but less  
30 than 700,000;

31 (2) In any township whose population is 100,000 or more  
32 located within a county whose population is 700,000 or more; or

33 (3) If a district court issues a written order to the justice court  
34 requiring that further proceedings relating to the action for the  
35 issuance of the order for protection be conducted before the district  
36 court.

37 (o) In an action for the issuance of a temporary or extended  
38 order for protection against harassment in the workplace pursuant to  
39 NRS 33.200 to 33.360, inclusive.

40 (p) In small claims actions under the provisions of chapter 73 of  
41 NRS.

42 (q) In actions to contest the validity of liens on mobile homes or  
43 manufactured homes.



1 (r) In any action pursuant to NRS 200.591 for the issuance of a  
2 protective order against a person alleged to be committing the crime  
3 of stalking, aggravated stalking or harassment.

4 (s) In any action pursuant to NRS 200.378 for the issuance of a  
5 protective order against a person alleged to have committed the  
6 crime of sexual assault.

7 (t) In actions transferred from the district court pursuant to  
8 NRS 3.221.

9 (u) In any action for the issuance of a temporary or extended  
10 order pursuant to NRS 33.400.

11 (v) In any action seeking an order pursuant to NRS 441A.195.

12 2. The jurisdiction conferred by this section does not extend to  
13 civil actions, other than for forcible entry or detainer, in which the  
14 title of real property or mining claims or questions affecting the  
15 boundaries of land are involved.

16 3. Justice courts have jurisdiction of all misdemeanors and no  
17 other criminal offenses except as otherwise provided by specific  
18 statute. Upon approval of the district court, a justice court may  
19 transfer original jurisdiction of a misdemeanor to the district court  
20 for the purpose of assigning an offender to a program established  
21 pursuant to NRS 176A.250 or, if the justice court has not  
22 established a program pursuant to NRS 176A.280, to a program  
23 established pursuant to that section.

24 4. Except as otherwise provided in subsections 5 , ~~land~~ 6 ~~and~~  
25 *and* 7 in criminal cases the jurisdiction of justices of the peace  
26 extends to the limits of their respective counties.

27 5. *A justice of the peace may conduct a pretrial release*  
28 *hearing for a person located outside of the township of the justice*  
29 *of the peace.*

30 6. In the case of any arrest made by a member of the Nevada  
31 Highway Patrol, the jurisdiction of the justices of the peace extends  
32 to the limits of their respective counties and to the limits of all  
33 counties which have common boundaries with their respective  
34 counties.

35 ~~6~~ 7. Each justice court has jurisdiction of any violation of a  
36 regulation governing vehicular traffic on an airport within the  
37 township in which the court is established.

38 **Sec. 15.** The provisions of NRS 354.599 do not apply to any  
39 additional expenses of a local government that are related to the  
40 provisions of this act.

41 **Sec. 16.** This act becomes effective on July 1, 2022.







