

SENATE BILL NO. 259—SENATOR KIHUEN

MARCH 15, 2013

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to bailiffs and deputy marshals. (BDR 1-874)

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

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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 courts; revising provisions relating to certain bailiffs and deputy marshals; authorizing bailiffs and deputy marshals to be members of certain employee organizations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that in a county whose population is 700,000 or more
2 (currently Clark County), the judge of each district court may appoint a deputy
3 marshal in place of a bailiff. Currently, when appointed, a bailiff or deputy marshal
4 must provide a bond of \$2,000, conditioned for the faithful performance of his or
5 her duty. Existing law further requires all deputy marshals to be certified by the
6 Peace Officers’ Standards and Training Commission as category I peace officers
7 not later than 18 months after appointment. (NRS 3.310)

8 **Section 1** of this bill eliminates in a county whose population is 700,000 or
9 more the requirement that a \$2,000 bond be provided by a bailiff or deputy
10 marshal. **Section 1** further requires that deputy marshals in a county whose
11 population is 700,000 or more be certified category I peace officers before
12 assignment. Finally, **section 1** provides that each bailiff and deputy marshal shall
13 perform other law enforcement duties as may be required at or around the
14 courthouse when not performing other duties as may be required by the judge or
15 master of the court.

16 Existing law provides that police officers, sheriffs, deputy sheriffs and other
17 law enforcement officers may be members of certain employee organizations.
18 (NRS 288.140) **Section 2** of this bill authorizes bailiffs and deputy marshals to be
19 members of those same employee organizations.



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

- 1 **Section 1.** NRS 3.310 is hereby amended to read as follows:
2 3.310 1. Except as otherwise provided in this subsection, the
3 judge of each district court may appoint a bailiff for the court in
4 counties polling 4,500 or more votes. In counties polling less than
5 4,500 votes, the judge may appoint a bailiff with the concurrence of
6 the sheriff. Subject to the provisions of subsections 2, 4 and 10, in a
7 county whose population is 700,000 or more, the judge of each
8 district court may appoint a deputy marshal for the court instead of a
9 bailiff. In each case, the bailiff or deputy marshal serves at the
10 pleasure of the judge he or she serves.
- 11 2. In all judicial districts where there is more than one judge,
12 there may be a number of bailiffs or deputy marshals at least equal
13 to the number of judges, and in any judicial district where a circuit
14 judge has presided for more than 50 percent of the regular judicial
15 days of the prior calendar year, there may be one additional bailiff
16 or deputy marshal, each bailiff or deputy marshal to be appointed by
17 the joint action of the judges. If the judges cannot agree upon the
18 appointment of any bailiff or deputy marshal within 30 days after a
19 vacancy occurs in the office of bailiff or deputy marshal, then the
20 appointment must be made by a majority of the board of county
21 commissioners.
- 22 3. Each bailiff or deputy marshal shall:
23 (a) Preserve order in the court.
24 (b) Attend upon the jury.
25 (c) Open and close court.
26 (d) Perform such other duties as may be required of him or her
27 by the judge *or master* of the court.
- 28 (e) *When not performing duties described in paragraphs (a) to*
29 *(d), inclusive, perform other law enforcement duties as may be*
30 *required of him or her at or around the courthouse.*
- 31 4. The bailiff or deputy marshal must be a qualified elector of
32 the county and *, except in a county whose population is 700,000 or*
33 *more, the bailiff or deputy marshal* shall give a bond, to be
34 approved by the district judge, in the sum of \$2,000, conditioned for
35 the faithful performance of his or her duty.
- 36 5. The compensation of each bailiff or deputy marshal for his
37 or her services must be fixed by the board of county commissioners
38 of the county and his or her salary paid by the county wherein he or
39 she is appointed, the same as the salaries of other county officers are
40 paid.
- 41 6. The board of county commissioners of the respective
42 counties shall allow the salary stated in subsection 5 as other salaries



1 are allowed to county officers, and the county auditor shall draw his
2 or her warrant for it, and the county treasurer shall pay it.

3 7. The provisions of this section do not:

4 (a) Authorize the bailiff or deputy marshal to serve any civil or
5 criminal process, except such orders of the court which are specially
6 directed by the court or the presiding judge thereof to him or her for
7 service.

8 (b) Except in a county whose population is 700,000 or more,
9 relieve the sheriff of any duty required of him or her by law to
10 maintain order in the courtroom.

11 8. If a deputy marshal is appointed for a court pursuant to
12 subsection 1, each session of the court must be attended by the
13 deputy marshal.

14 9. For good cause shown, a deputy marshal appointed for a
15 court pursuant to subsection 1 may be assigned temporarily to assist
16 other judicial departments or assist with court administration as
17 needed.

18 10. A person appointed to be a deputy marshal for a court
19 pursuant to subsection 1 must be certified by the Peace Officers'
20 Standards and Training Commission as a category I peace officer
21 ~~[not later than 18 months after]~~ *before his or her* appointment.

22 **Sec. 2.** NRS 288.140 is hereby amended to read as follows:

23 288.140 1. It is the right of every local government
24 employee, subject to the limitations provided in subsections 3 and 4,
25 to join any employee organization of the employee's choice or
26 to refrain from joining any employee organization. A local government
27 employer shall not discriminate in any way among its employees on
28 account of membership or nonmembership in an employee
29 organization.

30 2. The recognition of an employee organization for negotiation,
31 pursuant to this chapter, does not preclude any local government
32 employee who is not a member of that employee organization from
33 acting for himself or herself with respect to any condition of his or
34 her employment, but any action taken on a request or in adjustment
35 of a grievance shall be consistent with the terms of an applicable
36 negotiated agreement, if any.

37 3. A police officer, sheriff, deputy sheriff, *bailiff, deputy*
38 *marshal* or other law enforcement officer may be a member of an
39 employee organization only if such employee organization is
40 composed exclusively of law enforcement officers.

41 4. The following persons may not be a member of an employee
42 organization:

43 (a) A supervisory employee described in paragraph (b) of
44 subsection 1 of NRS 288.075, including but not limited to appointed



1 officials and department heads who are primarily responsible for
2 formulating and administering management, policy and programs.

3 (b) A doctor or physician who is employed by a local
4 government employer.

5 (c) Except as otherwise provided in this paragraph, an attorney
6 who is employed by a local government employer and who is
7 assigned to a civil law division, department or agency. The
8 provisions of this paragraph do not apply with respect to an attorney
9 for the duration of a collective bargaining agreement to which the
10 attorney is a party as of July 1, 2011.

11 5. As used in this section, "doctor or physician" means a
12 doctor, physician, homeopathic physician, osteopathic physician,
13 chiropractic physician, practitioner of Oriental medicine, podiatric
14 physician or practitioner of optometry, as those terms are defined or
15 used, respectively, in NRS 630.014, 630A.050, 633.091, chapter
16 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter
17 636 of NRS.

