

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 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  
2 be eligible to the office of justice of the peace, including, without limitation, the  
3 requirement that such a person have a high school diploma or its equivalent as  
4 determined by the State Board of Education. (NRS 4.010) **Section 1** of this bill  
5 additionally requires a justice of the peace who is not licensed or admitted to  
6 practice law in the courts of this State at the time of his or her election or  
7 appointment to pass an examination prescribed by the Nevada Supreme Court  
8 within 18 months after taking the official oath. **Section 1** requires that such an  
9 examination test the competency of the examinee’s knowledge on certain subject  
10 matters 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  
3 the office of justice of the peace unless the person is a qualified  
4 elector and has never been removed or retired from any judicial  
5 office by the Commission on Judicial Discipline. For the purposes  
6 of this subsection, a person is eligible to be a candidate for the office  
7 of justice of the peace if a decision to remove or retire the person



1 from a judicial office is pending appeal before the Supreme Court or  
2 has been overturned by the Supreme Court.

3 2. A justice of the peace must have a high school diploma or its  
4 equivalent as determined by the State Board of Education.

5 3. *In addition to any other requirement provided by law or a*  
6 *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*  
8 *election or appointment must pass an examination prescribed by*  
9 *the Nevada Supreme Court within 18 months after taking the*  
10 *official oath. The examination must test the competency of the*  
11 *examinee's knowledge on subject matters related to the duties of a*  
12 *justice of the peace, including, without limitation:*

13 (a) *Judicial decorum;*

14 (b) *Application of the Revised Nevada Code of Judicial*  
15 *Conduct;*

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

19 (d) *The financial administration of a court, including, without*  
20 *limitation, the minimum accounting standards of a justice court.*

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

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

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

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

32 **Sec. 2.** The amendatory provisions of this act do not apply to a  
33 justice of the peace who holds the office of justice of the peace on  
34 July 1, 2023.

35 **Sec. 3.** 1. This section becomes effective upon passage and  
36 approval.

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

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

41 (b) On July 1, 2023, for all other purposes.

