

Senate Bill No. 62–Committee on Judiciary

CHAPTER.....

AN ACT relating to the Commission on Judicial Discipline; clarifying the jurisdiction of the Commission and the State Bar of Nevada with regard to judges who are licensed to practice law in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Commission on Judicial Discipline has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges. (NRS 1.440) This bill clarifies that if a judge is licensed to practice law in this State: (1) the State Bar of Nevada has jurisdiction over disciplinary action for acts or omissions that occurred before the date on which the judge entered upon the duties of office; and (2) the Commission has jurisdiction over the public censure, removal, involuntary retirement and other discipline imposed as a result of an act or omission that occurs on and after the date on which the judge enters upon the duties of office.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Sections 1 and 2. (Deleted by amendment.)

Sec. 3. NRS 1.440 is hereby amended to read as follows:

1.440 1. ~~The~~ *Except as otherwise provided in subsection 2, the* Commission has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges which is coextensive with its jurisdiction over justices of the Supreme Court and must be exercised in the same manner and under the same rules.

2. *If a judge is licensed to practice law in this State:*

(a) *The State Bar of Nevada has jurisdiction over disciplinary action for acts or omissions that occurred before the date on which the judge entered upon the duties of office; and*

(b) *The Commission has jurisdiction over the public censure, removal, involuntary retirement and other discipline imposed as a result of an act or omission that occurs on and after the date on which the judge enters upon the duties of office.*

3. Any complaint or action, including, without limitation, an interlocutory action or appeal, filed in connection with any proceeding of the Commission must be filed in the Supreme Court. Any such complaint or action filed in a court other than the Supreme



Court shall be presumed to be frivolous and intended solely for the purposes of delay.

~~3.1~~ 4. The Supreme Court shall appoint two justices of the peace and two municipal judges to sit on the Commission for formal, public proceedings against a justice of the peace or a municipal judge, respectively. Justices of the peace and municipal judges so appointed must be designated by an order of the Supreme Court to sit for such proceedings in place of and to serve for the same terms as the regular members of the Commission appointed by the Supreme Court.

