

SENATE BILL NO. 480—SENATORS  
GOICOECHEA AND SETTELMAYER

MARCH 25, 2019

JOINT SPONSOR: ASSEMBLYMAN ELLISON

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to courts. (BDR 1-978)

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 courts; revising provisions relating to the transaction of business by justice and municipal courts; revising provisions governing the jurisdiction of certain justice courts; revising provisions relating to the number of justices of the peace in each township; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that no court, except a justice court or a municipal court, may be opened or transact business on a Sunday or any day declared to be a legal holiday, except for certain purposes. (NRS 1.130) **Section 1** of this bill authorizes such courts to be open to receive communications by telephone and for the issuance of an ex parte order for protection against high-risk behavior.

Existing law sets forth a schedule for determining how many elected justices of the peace a township is required to have based upon the population of the township. If the schedule requires an additional justice of the peace due to an increased population of the township, existing law provides that if a majority of the justices of the peace in the township submit to the Legislature and the board of county commissioners an opinion stating that the caseload of the court does not warrant an additional judge, the number of justices of the peace in that township is prohibited from being increased while the Legislature considers the opinion. (NRS 4.020) **Section 2** of this bill revises this process by requiring the justices of the peace to consult with the board of county commissioners in reaching an opinion as to whether the caseload of the court warrants an additional judge.

Existing law establishes the jurisdiction of justice courts. (NRS 4.370) **Section 3** of this bill extends the jurisdiction of justice courts, under certain circumstances,



19 to include any action for the issuance of an ex parte or extended order for protection  
20 against high-risk behavior.

21 **Section 12** of Assembly Bill No. 291 of this session requires a court to issue an  
22 ex parte order pursuant to a verified application if the court finds by a  
23 preponderance of the evidence that: (1) a person poses an imminent risk of causing  
24 personal injury to himself or herself or another person by possessing or having  
25 under his or her custody or control or by purchasing or otherwise acquiring any  
26 firearm; (2) the person has engaged in high-risk behavior; and (3) less restrictive  
27 options have been exhausted or are not effective. **Section 4** of this bill makes a  
28 technical correction.

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

1 **Section 1.** NRS 1.130 is hereby amended to read as follows:

2 1.130 1. No court except a justice court or a municipal court  
3 shall be opened nor shall any judicial business be transacted except  
4 by a justice court or municipal court on Sunday, or on any day  
5 declared to be a legal holiday according to the provisions of NRS  
6 236.015, except for the following purposes:

7 (a) To give, upon their request, instructions to a jury then  
8 deliberating on their verdict.

9 (b) To receive a verdict or discharge a jury.

10 (c) For the exercise of the power of a magistrate in a criminal  
11 action or in a proceeding of a criminal nature.

12 (d) To receive communications by telephone and for the  
13 issuance of ~~fa~~:

14 (1) A temporary order pursuant to subsection 7 of NRS  
15 33.020 ~~f~~; or

16 (2) *An ex parte order for protection against high-risk*  
17 *behavior pursuant to section 12 of Assembly Bill No. 291 of this*  
18 *session.*

19 (e) For the issue of a writ of attachment, which may be issued on  
20 each and all of the days above enumerated upon the plaintiff, or  
21 some person on behalf of the plaintiff, setting forth in the affidavit  
22 required by law for obtaining the writ the additional averment as  
23 follows:

24  
25 That the affiant has good reason to believe, and does  
26 believe, that it will be too late for the purpose of acquiring a  
27 lien by the writ to wait until subsequent day for the issuance  
28 of the same.

29  
30 All proceedings instituted, and all writs issued, and all official acts  
31 done on any of the days above specified, under and by virtue of this  
32 section, shall have all the validity, force and effect of proceedings



1 commenced on other days, whether a lien be obtained or a levy  
2 made under and by virtue of the writ.

3 2. Nothing herein contained shall affect private transactions of  
4 any nature whatsoever.

5 **Sec. 2.** NRS 4.020 is hereby amended to read as follows:

6 4.020 1. There must be one justice court in each of the  
7 townships of the State, for which there must be elected by the  
8 qualified electors of the township at least one justice of the peace.  
9 Except as otherwise provided in subsection 3, the number of justices  
10 of the peace in a township must be increased according to the  
11 population of the township, as certified by the Governor in even-  
12 numbered years pursuant to NRS 360.285, in accordance with and  
13 not to exceed the following schedule:

14 (a) In a county whose population is 700,000 or more:

15 (1) In a township whose population is less than 1,100,000,  
16 one justice of the peace for each 100,000 population of the  
17 township, or fraction thereof, until the township has four justices of  
18 the peace, and thereafter, one justice of the peace for each 125,000  
19 population of the township, or fraction thereof, over a population of  
20 300,000; and

21 (2) In a township whose population is 1,100,000 or more,  
22 one justice of the peace for each 100,000 population of the  
23 township, or fraction thereof, up to a population of 1,100,000, and  
24 thereafter, one justice of the peace for each 125,000 population of  
25 the township, or fraction thereof, over a population of 1,100,000.

26 (b) In a county whose population is 100,000 or more and less  
27 than 700,000, one justice of the peace for each 50,000 population of  
28 the township, or fraction thereof.

29 (c) In a county whose population is less than 100,000, one  
30 justice of the peace for each ~~{34,000}~~ 50,000 population of the  
31 township, or fraction thereof.

32 (d) If a township includes a city created by the consolidation of  
33 a city and county into one municipal government, one justice of the  
34 peace for each 30,000 population of the township, or fraction  
35 thereof.

36 2. Except as otherwise provided in subsection 3, if the schedule  
37 set forth in subsection 1 provides for an increase in the number of  
38 justices of the peace in a township, the new justice or justices of the  
39 peace must be elected at the next ensuing biennial election.

40 3. If the schedule set forth in subsection 1 provides for an  
41 increase in the number of justices of the peace in a township and ~~is~~  
42 ~~in the opinion of~~ a majority of the justices of the peace in that  
43 township, *in consultation with the board of county commissioners,*  
44 *determine that* the caseload does not warrant an additional justice of  
45 the peace, the justices of the peace shall notify the Director of the



1 Legislative Counsel Bureau and the board of county commissioners  
2 of their opinion on or before March 15 of the even-numbered year in  
3 which the population of the township provides for such an increase.  
4 The Director of the Legislative Counsel Bureau shall submit the  
5 opinion to the next regular session of the Legislature for its  
6 consideration. If the justices of the peace transmit such a notice to  
7 the Director of the Legislative Counsel Bureau and the board of  
8 county commissioners, the number of justices must not be increased  
9 during that period unless the Legislature, by resolution, expressly  
10 approves the increase.

11 4. Justices of the peace shall receive certificates of election  
12 from the boards of county commissioners of their respective  
13 counties.

14 5. The clerk of the board of county commissioners shall, within  
15 10 days after the election or appointment and qualification of any  
16 justice of the peace, certify under seal to the Secretary of State the  
17 election or appointment and qualification of the justice of the peace.  
18 The certificate must be filed in the Office of the Secretary of State  
19 as evidence of the official character of that officer.

20 **Sec. 3.** NRS 4.370 is hereby amended to read as follows:

21 4.370 1. Except as otherwise provided in subsection 2, justice  
22 courts have jurisdiction of the following civil actions and  
23 proceedings and no others except as otherwise provided by specific  
24 statute:

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

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

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

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

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



1 (f) To take and enter judgment on the confession of a defendant,  
2 when the amount confessed, exclusive of interest, does not exceed  
3 \$15,000.

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

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

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

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

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

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

21 (m) Except as otherwise provided in this paragraph, in any  
22 action for the issuance of a temporary or extended order for  
23 protection against domestic violence **[H] pursuant to NRS 33.020**. A  
24 justice court does not have jurisdiction in an action for the issuance  
25 of a temporary or extended order for protection against domestic  
26 violence:

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

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

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

35 (n) *Except as otherwise provided in this paragraph, in any  
36 action for the issuance of an ex parte or extended order for  
37 protection against high-risk behavior pursuant to section 12 or 13  
38 of Assembly Bill No. 291 of this session. A justice court does not  
39 have jurisdiction in an action for the issuance of an ex parte or  
40 extended order for protection against high-risk behavior:*

41 *(1) In a county whose population is 100,000 or more but  
42 less than 700,000;*

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



1           ***(3) If a district court issues a written order to the justice***  
2 ***court requiring that further proceedings relating to the action for***  
3 ***the issuance of the order for protection be conducted before the***  
4 ***district court.***

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

8           ~~***(p)***~~ In small claims actions under the provisions of chapter  
9 73 of NRS.

10          ~~***(q)***~~ In actions to contest the validity of liens on mobile  
11 homes or manufactured homes.

12          ~~***(r)***~~ In any action pursuant to NRS 200.591 for the issuance  
13 of a protective order against a person alleged to be committing the  
14 crime of stalking, aggravated stalking or harassment.

15          ~~***(s)***~~ In any action pursuant to NRS 200.378 for the issuance  
16 of a protective order against a person alleged to have committed the  
17 crime of sexual assault.

18          ~~***(t)***~~ In actions transferred from the district court pursuant to  
19 NRS 3.221.

20          ~~***(u)***~~ In any action for the issuance of a temporary or  
21 extended order pursuant to NRS 33.400.

22          ~~***(v)***~~ In any action seeking an order pursuant to  
23 NRS 441A.195.

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

28          3. Justice courts have jurisdiction of all misdemeanors and no  
29 other criminal offenses except as otherwise provided by specific  
30 statute. Upon approval of the district court, a justice court may  
31 transfer original jurisdiction of a misdemeanor to the district court  
32 for the purpose of assigning an offender to a program established  
33 pursuant to NRS 176A.250 or, if the justice court has not  
34 established a program pursuant to NRS 176A.280, to a program  
35 established pursuant to that section.

36          4. Except as otherwise provided in subsections 5 and 6, in  
37 criminal cases the jurisdiction of justices of the peace extends to the  
38 limits of their respective counties.

39          5. In the case of any arrest made by a member of the Nevada  
40 Highway Patrol, the jurisdiction of the justices of the peace extends  
41 to the limits of their respective counties and to the limits of all  
42 counties which have common boundaries with their respective  
43 counties.



1 6. Each justice court has jurisdiction of any violation of a  
2 regulation governing vehicular traffic on an airport within the  
3 township in which the court is established.

4 **Sec. 4.** Section 12 of Assembly Bill No. 291 of this session is  
5 hereby amended to read as follows:

6 Sec. 12. 1. The court shall issue an ex parte order if  
7 the court finds by a preponderance of the evidence from facts  
8 shown by a verified application filed pursuant to section 11 of  
9 this act:

10 (a) That a person poses an imminent risk of causing  
11 personal injury to himself or herself or another person by  
12 possessing or having under his or her custody or control or by  
13 purchasing or otherwise acquiring any firearm;

14 (b) The person engaged in high-risk behavior; and

15 (c) Less restrictive options have been exhausted or are not  
16 effective.

17 2. The court may require the person who filed the  
18 verified application or the adverse party, or both, to appear  
19 before the court before determining whether to issue an ex  
20 parte order.

21 3. An ex parte order may be issued with or without  
22 notice to the adverse party.

23 4. Except as otherwise provided in this subsection, a  
24 hearing must not be held by telephone. The court shall hold a  
25 hearing on the ex parte order and shall issue or deny the ex  
26 parte order on the day the verified application is filed or the  
27 judicial day immediately following the day the verified  
28 application is filed. If the verified application is filed by a law  
29 enforcement officer, the court may hold the hearing on the ex  
30 parte order by telephone, which must be recorded in the  
31 presence of the magistrate or in the immediate vicinity of the  
32 magistrate by a certified court reporter or by electronic  
33 means. Any such recording must be transcribed, certified by  
34 the reporter if the reporter made the recording and certified by  
35 the magistrate. The certified transcript must be filed with the  
36 clerk of the court.

37 5. ~~[A hearing on an application for an ex parte order  
38 must be held within 7 calendar days after the date on which  
39 the verified application for the order is filed.~~

40 ~~—6.]~~ In a county whose population is 100,000 or more, the  
41 court shall be available 24 hours a day, 7 days a week,  
42 including nonjudicial days and holidays, to receive  
43 communications by telephone and for the issuance of an ex  
44 parte order pursuant to subsection 4.



1           ~~[7-]~~ 6. In a county whose population is less than  
2           100,000, the court may be available 24 hours a day, 7 days a  
3           week, including nonjudicial days and holidays, to receive  
4           communications by telephone and for the issuance of an ex  
5           parte order pursuant to subsection 4.

6           ~~[8-]~~ 7. The clerk of the court shall inform the applicant  
7           and the adverse party upon the successful transfer of  
8           information concerning the registration to the Central  
9           Repository for Nevada Records of Criminal History as  
10          required pursuant to NRS 33.095.

11          **Sec. 5.** 1. This section and section 2 of this act become  
12          effective on October 1, 2019.

13          2. Sections 1, 3 and 4 of this act become effective on  
14          January 1, 2020, if, and only if, Assembly Bill No. 291 of this  
15          session becomes effective.

