
ASSEMBLY BILL NO. 249—ASSEMBLYMEN MUNFORD;
PAUL ANDERSON, DIAZ, HOGAN AND LIVERMORE

MARCH 13, 2013

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing vacancies in the office of district attorney. (BDR 20-39)

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 district attorneys; revising provisions governing the filling of vacancies in the office of district attorney; requiring that an office of district attorney which has been vacated be placed on the ballot at the next ensuing biennial election under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth generally applicable provisions that govern the filling of
2 vacancies in county offices if a specific statute is not applicable. (NRS 245.170)
3 Existing law also sets forth specific provisions that govern the filling of vacancies
4 in the office of district attorney, including a provision that a person who is
5 appointed as a permanent replacement for a district attorney serves the remainder of
6 the unexpired 4-year term of office. (NRS 252.060)
7 This bill provides that the generally applicable provisions of NRS 245.170
8 govern the appointment of a permanent replacement for a district attorney, the
9 length of service of the appointee and the election of a successor, including the
10 requirement that an office of district attorney for which a permanent replacement is
11 appointed be placed on the ballot at the next ensuing biennial election if the office:
12 (1) is vacated at least 30 days before the date upon which a person must declare his
13 or her candidacy for the office; and (2) is not otherwise scheduled for election at the
14 next ensuing biennial election.



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

- 1 **Section 1.** NRS 252.060 is hereby amended to read as follows:
2 252.060 1. If the district attorney dies, resigns, is removed,
3 disappears or is permanently disabled from performing the duties of
4 his or her office, the board of county commissioners shall appoint an
5 interim or permanent replacement for the district attorney.
6 2. If the district attorney is temporarily disabled from
7 performing the duties of his or her office:
8 (a) The chief deputy district attorney shall perform the duties of
9 the district attorney while the district attorney is disabled. The chief
10 deputy is entitled to the chief deputy's regular salary while engaged
11 in the performance of those duties.
12 (b) If there is no chief deputy, the board of county
13 commissioners shall appoint an interim replacement for the district
14 attorney.
15 3. A person appointed as an interim or permanent replacement
16 for the district attorney pursuant to this section must be appointed at
17 the first regularly scheduled meeting of the board of county
18 commissioners following the event giving rise to the appointment.
19 Any such event occurring within the time provided by NRS 241.020
20 for notice of the meeting is an emergency within the meaning of that
21 section.
22 4. A person appointed as an interim replacement for the district
23 attorney pursuant to this section:
24 (a) Is entitled to receive the same salary as the district attorney.
25 (b) Shall:
26 (1) If he or she is appointed pursuant to subsection 1, serve
27 for not more than 60 days or until a permanent replacement is
28 appointed, whichever occurs first.
29 (2) If he or she is appointed pursuant to subsection 2, serve
30 for the duration of the disability of the district attorney or, if the
31 district attorney resigns or is removed from office, for not more than
32 60 days after the resignation or removal or until a permanent
33 replacement is appointed, whichever occurs first.
34 (c) May engage in the private practice of law for not more than
35 60 days after his or her appointment, to the extent permitted by NRS
36 245.0435. The limitation of time provided by this paragraph does
37 not apply in any county of class 6, as classified in the table of annual
38 salaries contained in NRS 245.043.
39 5. ~~{A person appointed as}~~ *The provisions of NRS 245.170*
40 *govern the appointment of* a permanent replacement for the district
41 attorney ~~{pursuant to this section serves the remainder of the~~



- 1 ~~unexpired term.]~~, *the length of service of the appointee and the*
- 2 *election of a successor.*

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