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ASSEMBLY BILL NO. 62—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Authorizes the appointment of bailiffs or deputy marshals to provide security for justice courts in smaller counties. (BDR 1-387)

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

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AN ACT relating to justice courts; authorizing the justice of the peace in each justice court in smaller counties to appoint a bailiff or deputy marshal for the court; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the appointment of a deputy marshal for each justice  
2 court in a county whose population is 700,000 or more (currently Clark County)  
3 and also requires such deputy marshals to be certified as category I peace officers  
4 within 18 months after appointment. (NRS 4.353) Under existing law, a bailiff of a  
5 justice court in a county whose population is less than 700,000 (currently counties  
6 other than Clark County) is required to be certified as a category II peace officer.  
7 (NRS 4.353, 289.470, 289.550) This bill authorizes the appointment of a bailiff or a  
8 deputy marshal for each justice court in a county whose population is less than  
9 700,000 (currently counties other than Clark County). This bill also authorizes a  
10 justice of the peace in such a county to appoint a retired law enforcement officer  
11 who has been previously certified by the Peace Officers’ Standards and Training  
12 Commission as a category I or category II peace officer, or its equivalent by the  
13 certifying authority of another state, to serve as a bailiff or a deputy marshal for the  
14 court. This bill further provides that such a bailiff or deputy marshal is not required  
15 to become certified or recertified as a peace officer in this State.



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

1       **Section 1.** Chapter 4 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Subject to the provisions of this section, in a county whose*  
4 *population is less than 700,000, the justice of the peace for each*  
5 *justice court may appoint a bailiff or deputy marshal for the court.*  
6 *The bailiff or deputy marshal serves at the pleasure of the justice*  
7 *of the peace he or she serves.*

8       2. *In all townships where there is more than one justice of the*  
9 *peace, there may be a number of bailiffs or deputy marshals at*  
10 *least equal to the number of justices of the peace. If the justices of*  
11 *the peace cannot agree upon the appointment of any bailiff or*  
12 *deputy marshal within 30 days after a vacancy occurs in the office*  
13 *of bailiff or deputy marshal, the appointment must be made by a*  
14 *majority of the board of county commissioners.*

15       3. *Each bailiff or deputy marshal shall:*

16       (a) *Preserve order in the court.*

17       (b) *Open and close court.*

18       (c) *Perform other such duties as may be required of the bailiff*  
19 *or deputy marshal by the justice of the peace of the court.*

20       4. *The bailiff or deputy marshal must be a qualified elector of*  
21 *the county and shall give bond, to be approved by the justice of the*  
22 *peace, in the sum of \$2,000, conditioned for the faithful*  
23 *performance of his or her duty.*

24       5. *The compensation of each bailiff or deputy marshal for his*  
25 *or her services must be fixed by the board of county*  
26 *commissioners of the county and the bailiff's or deputy marshal's*  
27 *salary paid by the county wherein he or she is appointed, the same*  
28 *as the salaries of other county officers are paid.*

29       6. *The board of county commissioners of the respective*  
30 *counties shall allow the salary stated in subsection 5 as other*  
31 *salaries are allowed to county officers, and the county auditor*  
32 *shall draw his or her warrant for it, and the county treasurer shall*  
33 *pay it.*

34       7. *The provisions of this section do not authorize the bailiff or*  
35 *deputy marshal to serve any civil or criminal process, except such*  
36 *orders of the court which are specially directed by the court or the*  
37 *presiding justice of the peace thereof to the bailiff or deputy*  
38 *marshal for service.*

39       8. *If a bailiff or deputy marshal is appointed for a court*  
40 *pursuant to subsection 1, each session of the court must be*  
41 *attended by the bailiff or deputy marshal.*



1        **9. For good cause shown, a bailiff or deputy marshal**  
2 **appointed for a court pursuant to subsection 1 may be assigned**  
3 **temporarily to assist other justice courts or assist with court**  
4 **administration as needed.**

5        **10. A justice of the peace may appoint a retired law**  
6 **enforcement officer who has been previously certified by the Peace**  
7 **Officers' Standards and Training Commission as a category I or**  
8 **category II peace officer, or its equivalent by the certifying**  
9 **authority of another state, to serve as a bailiff or deputy marshal**  
10 **pursuant to this section. Notwithstanding any other provision of**  
11 **law, a bailiff or deputy marshal appointed pursuant to this**  
12 **subsection is not required to be certified or recertified as a peace**  
13 **officer in this State.**

14        **Sec. 2.** NRS 289.550 is hereby amended to read as follows:

15        289.550 1. Except as otherwise provided in subsection 2 and  
16 NRS 3.310 and 4.353, **and section 1 of this act**, a person upon  
17 whom some or all of the powers of a peace officer are conferred  
18 pursuant to NRS 289.150 to 289.360, inclusive, must be certified by  
19 the Commission within 1 year after the date on which the person  
20 commences employment as a peace officer unless the Commission,  
21 for good cause shown, grants in writing an extension of time, which  
22 must not exceed 6 months, by which the person must become  
23 certified. A person who fails to become certified within the required  
24 time shall not exercise any of the powers of a peace officer after the  
25 time for becoming certified has expired.

26        2. The following persons are not required to be certified by the  
27 Commission:

- 28        (a) The Chief Parole and Probation Officer;  
29        (b) The Director of the Department of Corrections;  
30        (c) The Director of the Department of Public Safety, the deputy  
31 directors of the Department, the chiefs of the divisions of the  
32 Department other than the Investigation Division and the Nevada  
33 Highway Patrol, and the members of the State Disaster  
34 Identification Team of the Division of Emergency Management of  
35 the Department;  
36        (d) The Commissioner of Insurance and the chief deputy of the  
37 Commissioner of Insurance;  
38        (e) Railroad police officers; and  
39        (f) California correctional officers.

40        **Sec. 3.** This act becomes effective on July 1, 2013.

