

SENATE BILL NO. 73—COMMITTEE ON JUDICIARY

FEBRUARY 10, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing juries. (BDR 1-934)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 juries; revising the provisions governing exemptions from jury service; revising the provisions governing the selection of jurors in certain counties; revising the provisions regarding the compensation of jurors; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 6.020 is hereby amended to read as follows:
2 6.020 1. Except as otherwise provided in subsections 2 and 3
3 and NRS 67.050, upon satisfactory proof, made by affidavit or
4 otherwise, the following-named persons, and no others, are exempt
5 from service as grand or trial jurors:
6 (a) ~~Any federal or state officer.~~
7 ~~(b) Any judge, justice of the peace or attorney at law.~~
8 ~~(c) Any county clerk, recorder, assessor, sheriff, deputy sheriff,~~
9 ~~constable or police officer.~~
10 ~~(d) Any locomotive engineer, locomotive fireman, conductor,~~
11 ~~brakeman, switchman or engine foreman.~~
12 ~~(e) Any officer or correctional officer employed by the~~
13 ~~Department of Corrections.~~



* S B 7 3 R 1 *

1 ~~—(f) Any employee of the Legislature or the Legislative Counsel~~
2 ~~Bureau while the Legislature is in session.~~

3 ~~—(g) Any physician, optometrist or dentist who is licensed to~~
4 ~~practice in this state.~~

5 ~~—(h)}~~ *While the Legislature is in session, any member of the*
6 *Legislature or any employee of the Legislature or the Legislative*
7 *Counsel Bureau; and*

8 (b) Any person who has a fictitious address pursuant to NRS
9 217.462 to 217.471, inclusive.

10 2. All persons of the age of 70 years or over are exempt from
11 serving as grand or trial jurors. Whenever it appears to the
12 satisfaction of the court, by affidavit or otherwise, that a juror is
13 over the age of 70 years, the court shall order the juror excused from
14 all service as a grand or trial juror, if the juror so desires.

15 3. A person who is the age of 65 years or over who lives 65
16 miles or more from the court is exempt from serving as a grand or
17 trial juror. Whenever it appears to the satisfaction of the court, by
18 affidavit or otherwise, that a juror is the age of 65 years or over and
19 lives 65 miles or more from the court, the court shall order the juror
20 excused from all service as a grand or trial juror, if the juror so
21 desires.

22 **Sec. 2.** NRS 6.045 is hereby amended to read as follows:

23 6.045 1. The district court may by rule of court designate the
24 clerk of the court, one of his deputies or another person as a jury
25 commissioner, and may assign to the jury commissioner such
26 administrative duties in connection with trial juries and jurors as the
27 court finds desirable for efficient administration.

28 2. If a jury commissioner is so selected, he shall from time to
29 time estimate the number of trial jurors which will be required for
30 attendance on the district court and shall select that number from the
31 qualified electors of the county not exempt by law from jury duty,
32 whether registered as voters or not. The jurors may be selected by
33 computer whenever procedures to assure random selection from
34 computerized lists are established by the jury commissioner. ~~[He]~~
35 *The jury commissioner shall keep a record of the name, occupation*
36 *and address of each person selected.*

37 3. *The jury commissioner shall not select the name of any*
38 *person whose name was selected the previous year, and who*
39 *actually served on the jury by attending in court in response to the*
40 *venire from day to day until excused from further attendance by*
41 *order of the court, unless there are not enough other suitable*
42 *jurors in the county to do the required jury duty.*

43 **Sec. 3.** NRS 6.150 is hereby amended to read as follows:

44 6.150 1. Each person summoned to attend as a grand juror or
45 a trial juror in the district court or justice's court ~~[, unless on or~~



1 ~~before the day he is summoned to attend he is excused by the court~~
2 ~~at his own request from serving,]~~ is entitled to a fee of ~~[\$9]~~ **\$40** for
3 each day *after the second day of jury selection that* he is in
4 attendance in response to the venire or summons, including Sundays
5 and holidays.

6 2. Each grand juror and trial juror in the district court or
7 justice's court actually sworn and serving is entitled to a fee of ~~[\$15]~~
8 **\$40** a day ~~[, or \$30 a day after 5 days,]~~ as compensation for each day
9 of service.

10 3. In addition to the fees specified in subsections 1 and 2, a
11 board of county commissioners may provide that, for each day of
12 such attendance or service, each person is entitled to be paid a per
13 diem allowance in an amount equal to the allowance for meals
14 provided for state officers and employees generally while away
15 from the office and within this state pursuant to subsection 1 of
16 NRS 281.160.

17 4. ~~[Except as otherwise provided in this section, each]~~ **Each**
18 person summoned to attend as a grand juror or a trial juror in the
19 district court or justice's court and each grand juror and trial juror in
20 the district court or justice's court is entitled to receive ~~[20]~~ **36.5**
21 cents a mile for each mile necessarily and actually traveled ~~[by the~~
22 ~~shortest and most practical route. A board of county commissioners~~
23 ~~may provide that, for each mile so traveled, the person is entitled to~~
24 ~~be paid an amount equal to the allowance for travel by private~~
25 ~~conveyance provided for state officers and employees generally~~
26 ~~pursuant to subsection 3 of NRS 281.160. Where the mileage does~~
27 ~~not exceed 1 mile, an allowance must not be made for that mileage~~
28 ~~pursuant to this subsection.]~~ **if the home of the person summoned**
29 **or serving as a juror is 65 miles or more from the place of trial.**

30 5. If the home of a person summoned or serving as such a juror
31 is ~~[60]~~ **65** miles or more from the place of trial and the selection,
32 inquiry or trial lasts more than 1 day, he is entitled to receive an
33 allowance for lodging at the rate provided by law for state
34 employees, in addition to his daily compensation for attendance or
35 service, for each day on which he does not return to his home.

36 6. In civil cases, any fee, per diem allowance or other
37 compensation due each juror engaged in the trial of the cause must
38 be paid each day in advance to the clerk of the court, or the justice
39 of the peace, by the party who has demanded the jury. If the party
40 paying this money is the prevailing party, the money is recoverable
41 as costs from the losing party. If the jury from any cause is
42 discharged in a civil action without finding a verdict and the party
43 who demands the jury subsequently obtains judgment, the money so
44 paid is recoverable as costs from the losing party.



1 7. The money paid by a county clerk to jurors for their services
2 in a civil action or proceeding, which he has received from the party
3 demanding the jury, must be deducted from the total amount due
4 them for attendance as such jurors, and any balance is a charge
5 against the county.

6 **Sec. 4.** The provisions of NRS 354.599 do not apply to any
7 additional expenses of a local government that are related to the
8 provisions of this act.

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