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ASSEMBLY BILL NO. 157—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

MARCH 2, 2005

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Referred to Committee on Judiciary

**SUMMARY**—Authorizes senior justices of the peace or senior municipal court judges to serve temporarily in justice’s court or municipal court regardless of residency requirements under certain circumstances. (BDR 1-528)

**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.

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AN ACT relating to courts; authorizing a senior justice of the peace to serve temporarily in any justice’s court in this State regardless of whether he is a resident of the township or county in which the justice’s court to which he is assigned is located; authorizing a senior municipal court judge or a senior justice of the peace who formerly served as a municipal court judge to serve temporarily in any municipal court in this State regardless of whether he is a resident of the city in which the municipal court to which he is assigned is located; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under the Nevada Supreme Court Rules, a former justice of the peace or  
2 former municipal court judge may apply to become a senior justice of the peace or  
3 senior municipal court judge of the Nevada court system. If the Supreme Court  
4 determines that the judge’s recall to active service will promote the effective  
5 administration of justice, the Supreme Court may issue a commission to the former  
6 judge to become a senior justice of the peace or senior municipal court judge.  
7 (Nevada Supreme Court Rule 12) Existing law provides that, under certain  
8 circumstances, a judge of a municipal court must be a resident of the city in which  
9 the municipal court is located. (NRS 5.020)



10 This bill authorizes a senior municipal court judge or a senior justice of the  
11 peace who formerly served as a municipal court judge to serve temporarily in any  
12 municipal court in the State regardless of whether the judge is a resident of the city  
13 in which the municipal court to which he is assigned is located. This bill also  
14 authorizes a senior justice of the peace to serve temporarily in any justice's court in  
15 this State regardless of whether he is a resident of the township or county in which  
16 the justice's court to which he is assigned is located.

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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. Notwithstanding any other provision of law or ordinance, a*  
4 *senior justice of the peace who serves in that capacity may serve*  
5 *temporarily in any justice's court in this State, regardless of*  
6 *whether he is a resident of the township or county in which the*  
7 *justice's court to which he is assigned is located.*

8 *2. As used in this section, "senior justice of the peace" means*  
9 *a former justice of the peace who has received a commission from*  
10 *the Supreme Court to serve as a senior justice of the peace*  
11 *pursuant to the rules prescribed by the Supreme Court.*

12 **Sec. 2.** Chapter 5 of NRS is hereby amended by adding thereto  
13 a new section to read as follows:

14 *1. Notwithstanding any other provision of law or city charter,*  
15 *a senior municipal court judge who serves in that capacity or a*  
16 *senior justice of the peace who serves in that capacity and who*  
17 *formerly served as a municipal court judge may serve temporarily*  
18 *in any municipal court in this State, regardless of whether he is a*  
19 *resident of the city in which the municipal court to which he is*  
20 *assigned is located.*

21 *2. As used in this section:*

22 *(a) "Senior justice of the peace" means a former justice of the*  
23 *peace who has received a commission from the Supreme Court to*  
24 *serve as a senior justice of the peace pursuant to the rules*  
25 *prescribed by the Supreme Court.*

26 *(b) "Senior municipal court judge" means a former judge of a*  
27 *municipal court who has received a commission from the Supreme*  
28 *Court to serve as a senior municipal court judge pursuant to rules*  
29 *prescribed by the Supreme Court.*

