

Amendment No. 275

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| Senate Amendment to Senate Bill No. 222   | (BDR 1-192) |
| <b>Proposed by:</b> Senate Committee on Judiciary                                   |             |
| <b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes |             |

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| Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 222 (§ 2). |
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| ASSEMBLY ACTION |                          | Initial and Date |                          | SENATE ACTION |              | Initial and Date         |      |                          |       |
|-----------------|--------------------------|------------------|--------------------------|---------------|--------------|--------------------------|------|--------------------------|-------|
| Adopted         | <input type="checkbox"/> | Lost             | <input type="checkbox"/> | _____         | Adopted      | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In    | <input type="checkbox"/> | Not              | <input type="checkbox"/> | _____         | Concurred In | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____ |
| Receded         | <input type="checkbox"/> | Not              | <input type="checkbox"/> | _____         | Receded      | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KMD/KRO



Date: 4/16/2023

S.B. No. 222—Revises provisions relating to juries. (BDR 1-192)





SENATE BILL NO. 222—SENATORS D. HARRIS; DALY, DONATE, FLORES,  
OHRENSCHALL, PAZINA AND SCHEIBLE

MARCH 6, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juries. (BDR 1-192)

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

CONTAINS UNFUNDED MANDATE (§ 2)  
(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 provisions governing the selection of jurors; increasing the fee to which a person summoned to attend as a juror or serve as a juror is entitled; revising provisions governing the right to serve as a juror; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law: (1) authorizes a court to assign a jury commissioner to select trial jurors; and (2) requires a jury commissioner to select jurors from among the qualified electors of the county or city, as applicable, who are not exempt from jury duty. As part of the process for the selection of trial jurors, existing law requires a jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; (3) the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) certain public utilities. (NRS 6.045) **Section 6** of this bill requires the Department of Health and Human Services, upon the request of a district judge or jury commissioner, to provide a list of the names and addresses of persons who receive public assistance for use in jury selection. **Section 1** of this bill requires a jury commissioner to include the information provided by the Department of Health and Human Services pursuant to **section 6** in the list of qualified electors.

Existing law sets forth certain fees for attendance and travel allowances for jurors summoned or serving on a grand jury or trial jury. (NRS 6.150) **Section 2** of this bill increases, from \$40 to \$65, the fee to which a person summoned as a juror or serving as a grand juror or trial juror is entitled.

Existing law prohibits a person who has been convicted of a felony from serving as a juror unless the person’s civil right to serve as a juror has been restored. (NRS 6.010) Under existing law, a person’s civil right to serve as a juror in a civil action is immediately restored upon his or her: (1) discharge from probation or parole; or (2) release from prison. Existing law provides for the restoration of a person’s civil right to serve as a juror in a criminal action 6 years after the date on which he or she is: (1) discharged from probation or parole; or (2) released from prison. (NRS 176A.850, 213.155, 213.157) **Sections 3-5** of this bill provide for the restoration of a person’s civil right to serve as a juror in a criminal action immediately upon his or her discharge from parole or probation or release from prison so that such a person

is eligible to serve as a juror in a criminal action at the same time he or she is eligible to serve as a juror in a civil action.

**Section 6.5 of this bill provides that nothing in the provisions of sections 1-6 limits the ability of a court, prosecuting attorney, defendant, or attorney for the defendant to: (1) challenge or remove a prospective juror on the basis of actual, implied, or inferable bias; or (2) inquire about the records of criminal history of a prospective juror during a voir dire examination of prospective jurors. Section 6.5 also provides that nothing in the provisions of sections 1-6 limits the ability of either party to exercise its peremptory challenges.**

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

**Section 1.** NRS 6.045 is hereby amended to read as follows:

6.045 1. A court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the designated court and shall select that number from the qualified electors of:

(a) The county; or

(b) The city whose population is 220,000 or more, for a municipal court, not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner.

3. The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:

(a) A list of persons who are registered to vote in the county or city, as applicable;

(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;

(c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.265; ~~and~~

(d) A public utility pursuant to NRS 704.206 ~~;~~ **and**

***(e) The Department of Health and Human Services pursuant to section 6 of this act.***

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

(a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;

(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and

(c) Prepare and submit a report to the Court Administrator which must:

(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;

(2) Be submitted at least once a year; and

(3) Be submitted in the time and manner prescribed by the Court Administrator.

1           6. The jury commissioner shall not select the name of any person whose name  
2 was selected the previous year, and who actually served on the jury by attending in  
3 court in response to the venire from day to day until excused from further  
4 attendance by order of the court, unless there are not enough other suitable jurors in  
5 the county or city to do the required jury duty.

6           7. A court may contract with another court for the purpose of procuring any  
7 administrative duties performed by a jury commissioner pursuant to this chapter.

8           **Sec. 2.** NRS 6.150 is hereby amended to read as follows:

9           6.150 1. Each person summoned to attend as a grand juror or a trial juror in  
10 the district court or justice court, or a trial juror in the municipal court, is entitled to  
11 a fee of ~~[\$40]~~ \$65 for each day after the second day of jury selection that the person  
12 is in attendance in response to the venire or summons, including Sundays and  
13 holidays.

14           2. Each grand juror and trial juror in the district court or justice court, or trial  
15 juror in the municipal court, actually sworn and serving is entitled to a fee of ~~[\$40]~~  
16 \$65 a day as compensation for each day of service.

17           3. In addition to the fees specified in subsections 1 and 2, a board of county  
18 commissioners or governing body of a city may provide that, for each day of such  
19 attendance or service, each person is entitled to be paid the per diem allowance and  
20 travel expenses provided for state officers and employees generally.

21           4. Each person summoned to attend as a grand juror or a trial juror in the  
22 district court or justice court, or a trial juror in the municipal court, and each grand  
23 juror and trial juror in the district court or justice court, or trial juror in the  
24 municipal court, is entitled to receive 36.5 cents a mile for each mile necessarily  
25 and actually traveled if the home of the person summoned or serving as a juror is 30  
26 miles or more from the place of trial.

27           5. If the home of a person summoned or serving as such a juror is 65 miles or  
28 more from the place of trial and the selection, inquiry or trial lasts more than 1 day,  
29 the person is entitled to receive an allowance for lodging at the rate established for  
30 state employees, in addition to his or her daily compensation for attendance or  
31 service, for each day on which the person does not return to his or her home.

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

40           7. The money paid by the clerk of the court to jurors for their services in a  
41 civil action or proceeding, which the clerk of the court has received from the party  
42 demanding the jury, must be deducted from the total amount due them for  
43 attendance as such jurors, and any balance is a charge against the county.

44           **Sec. 3.** NRS 176A.850 is hereby amended to read as follows:

45           176A.850 1. A person who:

46           (a) Has fulfilled the conditions of probation for the entire period thereof;

47           (b) Is recommended for earlier discharge by the Division; or

48           (c) Has demonstrated fitness for honorable discharge but because of economic  
49 hardship, verified by the Division, has been unable to make restitution as ordered  
50 by the court,

51           ↳ may be granted an honorable discharge from probation by order of the court.

52           2. A person whose term of probation has expired and:

53           (a) Whose whereabouts are unknown;

1 (b) Who has failed to make restitution in full as ordered by the court, without a  
2 verified showing of economic hardship; or

3 (c) Who has otherwise failed to qualify for an honorable discharge as provided  
4 in subsection 1,

5 ~~is not eligible for an honorable discharge and must be given a dishonorable~~  
6 ~~discharge. A dishonorable discharge releases the person from any further~~  
7 ~~obligation, except as otherwise provided in subsection 3.~~

8 3. Any amount of restitution remaining unpaid constitutes a civil liability  
9 arising upon the date of discharge and is enforceable pursuant to NRS 176.275.

10 4. A person who has been discharged from probation:

11 (a) Is free from the terms and conditions of probation.

12 (b) Is immediately restored to the right to serve as a juror . ~~[in a civil action.]~~

13 (c) Four years after the date of discharge from probation, is restored to the right  
14 to hold office.

15 (d) ~~[Six years after the date of discharge from probation, is restored to the right~~  
16 ~~to serve as a juror in a criminal action.]~~

17 ~~—(e)]~~ If the person meets the requirements of NRS 179.245, may apply to the  
18 court for the sealing of records relating to the conviction.

19 ~~[(f)]~~ (e) Must be informed of the provisions of this section and NRS 179.245  
20 in the person's probation papers.

21 ~~[(g)]~~ (f) Is exempt from the requirements of chapter 179C of NRS, but is not  
22 exempt from the requirements of chapter 179D of NRS.

23 ~~[(h)]~~ (g) Shall disclose the conviction to a gaming establishment and to the  
24 State and its agencies, departments, boards, commissions and political subdivisions,  
25 if required in an application for employment, license or other permit. As used in  
26 this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

27 ~~[(i)]~~ (h) Except as otherwise provided in paragraph ~~[(h)]~~ (g), need not disclose  
28 the conviction to an employer or prospective employer.

29 5. The prior conviction of a person who has been discharged from probation  
30 may be used for purposes of impeachment. In any subsequent prosecution of the  
31 person, the prior conviction may be pleaded and proved if otherwise admissible.

32 6. Upon discharge from probation, the person so discharged must be given an  
33 official document which provides:

34 (a) That the person has received an honorable discharge or dishonorable  
35 discharge, as applicable, from probation;

36 (b) That the person is restored to his or her civil right to serve as a juror ~~[in a~~  
37 ~~civil action]~~ as of the date of his or her discharge from probation; *and*

38 (c) The date on which the person's civil right to hold office will be restored  
39 pursuant to paragraph (c) of subsection 4 . ~~;~~ ~~and~~

40 ~~—(d) The date on which the person's civil right to serve as a juror in a criminal~~  
41 ~~action will be restored pursuant to paragraph (d) of subsection 4.]~~

42 7. A person who has been discharged from probation in this State or  
43 elsewhere and whose official documentation of discharge from probation is lost,  
44 damaged or destroyed may file a written request with a court of competent  
45 jurisdiction to restore the person's civil rights pursuant to this section. Upon  
46 verification that the person has been discharged from probation and is eligible to be  
47 restored to the civil rights set forth in subsection 4, the court shall issue an order  
48 restoring the person to the civil rights set forth in subsection 4. A person must not  
49 be required to pay a fee to receive such an order.

50 8. A person who has been discharged from probation in this State or  
51 elsewhere may present:

52 (a) Official documentation of discharge from probation, if it contains the  
53 provisions set forth in subsection 6; or

1 (b) A court order restoring the person's civil rights,  
2 ↪ as proof that the person has been restored to the civil rights set forth in  
3 subsection 4.

4 **Sec. 4.** NRS 213.155 is hereby amended to read as follows:

5 213.155 1. A person who receives a discharge from parole pursuant to NRS  
6 213.154:

7 (a) Is immediately restored to the right to serve as a juror . ~~[in a civil action.]~~

8 (b) Four years after the date of his or her discharge from parole, is restored to  
9 the right to hold office.

10 ~~[(c) Six years after the date of his or her discharge from parole, is restored to~~  
11 ~~the right to serve as a juror in a criminal action.]~~

12 2. Upon his or her discharge from parole, a person so discharged must be  
13 given an official document which provides:

14 (a) That the person has received an honorable discharge or dishonorable  
15 discharge, as applicable, from parole;

16 (b) That the person is restored to his or her civil right to serve as a juror ~~[in a~~  
17 ~~civil action]~~ as of the date of his or her discharge from parole; *and*

18 (c) The date on which his or her civil right to hold office will be restored to the  
19 person pursuant to paragraph (b) of subsection 1 . ~~[; and~~

20 ~~—(d) The date on which his or her civil right to serve as a juror in a criminal~~  
21 ~~action will be restored to the person pursuant to paragraph (c) of subsection 1.]~~

22 3. A person who has been discharged from parole in this State or elsewhere  
23 and whose official documentation of his or her discharge from parole is lost,  
24 damaged or destroyed may file a written request with a court of competent  
25 jurisdiction to restore his or her civil rights pursuant to this section. Upon  
26 verification that the person has been discharged from parole and is eligible to be  
27 restored to the civil rights set forth in subsection 1, the court shall issue an order  
28 restoring the person to the civil rights set forth in subsection 1. A person must not  
29 be required to pay a fee to receive such an order.

30 4. A person who has been discharged from parole in this State or elsewhere  
31 may present:

32 (a) Official documentation of his or her discharge from parole, if it contains the  
33 provisions set forth in subsection 2; or

34 (b) A court order restoring his or her civil rights,  
35 ↪ as proof that the person has been restored to the civil rights set forth in  
36 subsection 1.

37 5. The Board may adopt regulations necessary or convenient for the purposes  
38 of this section.

39 **Sec. 5.** NRS 213.157 is hereby amended to read as follows:

40 213.157 1. A person convicted of a felony:

41 (a) Who is placed on probation, granted parole or granted a pardon is  
42 immediately restored to the right to vote;

43 (b) Who has served his or her sentence and has been released from prison:

44 (1) Is immediately restored to the right to serve as a juror . ~~[in a civil~~  
45 ~~action.]~~

46 (2) Is immediately restored to the right to vote.

47 (3) Four years after the date of his or her release from prison, is restored to  
48 the right to hold office.

49 ~~[(4) Six years after the date of his or her release from prison, is restored to~~  
50 ~~the right to serve as a juror in a criminal action.]~~

51 2. Upon his or her release from prison, a person so released must be given an  
52 official document which provides:

53 (a) That the person has been released from prison;

1 (b) That the person is restored to his or her civil right to serve as a juror ~~[in a~~  
2 ~~civil action]~~ as of the date of his or her release from prison; *and*

3 (c) The date on which his or her civil right to hold office will be restored to the  
4 person pursuant to subparagraph (3) of paragraph (b) of subsection 1. ~~[and~~

5 ~~—(d) The date on which his or her civil right to serve as a juror in a criminal~~  
6 ~~action will be restored to the person pursuant to subparagraph (4) of paragraph (b)~~  
7 ~~of subsection 1.]~~

8 3. A person who has been released from prison in this State or elsewhere and  
9 whose official documentation of his or her release from prison is lost, damaged or  
10 destroyed may file a written request with a court of competent jurisdiction to  
11 restore his or her civil rights pursuant to this section. Upon verification that the  
12 person has been released from prison and is eligible to be restored to the civil rights  
13 set forth in subsection 1, the court shall issue an order restoring the person to the  
14 civil rights set forth in subsection 1. A person must not be required to pay a fee to  
15 receive such an order.

16 4. A person who has been released from prison in this State or elsewhere may  
17 present:

18 (a) Official documentation of his or her release from prison, if it contains the  
19 provisions set forth in subsection 2; or

20 (b) A court order restoring his or her civil rights,  
21 ➤ as proof that the person has been restored to the civil rights set forth in  
22 subsection 1.

23 **Sec. 6.** Chapter 422A of NRS is hereby amended by adding thereto a new  
24 section to read as follows:

25 *1. Upon the request of a district judge or jury commissioner, the*  
26 *Department shall provide to the district judge or jury commissioner a list of the*  
27 *names and addresses of persons who receive public assistance for use in the*  
28 *selection of jurors pursuant to NRS 6.045.*

29 *2. A district judge or jury commissioner who requests the list of recipients*  
30 *pursuant to subsection 1 shall reimburse the Department for the reasonable cost*  
31 *of compiling the list.*

32 **Sec. 6.5.** Nothing in this act shall be construed to limit the ability of:

33 1. A court, prosecuting attorney, defendant, or attorney for the  
34 defendant to:

35 (a) Challenge or remove a prospective juror on the basis of actual,  
36 implied, or inferable bias; or

37 (b) Inquire about the records of criminal history of a prospective juror  
38 during a voir dire examination of prospective jurors; or

39 2. Either party to exercise its peremptory challenges.

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

42 **Sec. 8.** 1. This ~~act~~ section becomes effective ~~[on July]~~ upon passage and  
43 approval.

44 2. Sections 1 to 7, inclusive, of this act become effective:

45 (a) Upon passage and approval for the purpose of adopting any  
46 regulations and performing any other preparatory administrative tasks that  
47 are necessary to carry out the provisions of this act; and

48 (b) On January 1, ~~[2023]~~ 2024, for all other purposes.