

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:

- 1 Existing law: (1) authorizes a court to assign a jury commissioner to select trial
- 2 jurors; and (2) requires a jury commissioner to select jurors from among the
- 3 qualified electors of the county or city, as applicable, who are not exempt from jury
- 4 duty. As part of the process for the selection of trial jurors, existing law requires a
- 5 jury commissioner to compile and maintain a list of qualified electors from
- 6 information provided by: (1) a list of persons who are registered to vote in the
- 7 county; (2) the Department of Motor Vehicles; (3) the Employment Security
- 8 Division of the Department of Employment, Training and Rehabilitation; and (4)
- 9 certain public utilities. (NRS 6.045) **Section 6** of this bill requires the Department
- 10 of Health and Human Services, upon the request of a district judge or jury
- 11 commissioner, to provide a list of the names and addresses of persons who receive
- 12 public assistance for use in jury selection. **Section 1** of this bill requires a jury
- 13 commissioner to include the information provided by the Department of Health and
- 14 Human Services pursuant to **section 6** in the list of qualified electors.
- 15 Existing law sets forth certain fees for attendance and travel allowances for
- 16 jurors summoned or serving on a grand jury or trial jury. (NRS 6.150) **Section 2** of
- 17 this bill increases, from \$40 to \$65, the fee to which a person summoned as a juror
- 18 or serving as a grand juror or trial juror is entitled.
- 19 Existing law prohibits a person who has been convicted of a felony from
- 20 serving as a juror unless the person’s civil right to serve as a juror has been



21 restored. (NRS 6.010) Under existing law, a person's civil right to serve as a juror
22 in a civil action is immediately restored upon his or her: (1) discharge from
23 probation or parole; or (2) release from prison. Existing law provides for the
24 restoration of a person's civil right to serve as a juror in a criminal action 6 years
25 after the date on which he or she is: (1) discharged from probation or parole; or (2)
26 released from prison. (NRS 176A.850, 213.155, 213.157) **Sections 3-5** of this bill
27 provide for the restoration of a person's civil right to serve as a juror in a criminal
28 action immediately upon his or her discharge from parole or probation or release
29 from prison so that such a person is eligible to serve as a juror in a criminal action
30 at the same time he or she is eligible to serve as a juror in a civil action.

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

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

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

2 6.045 1. A court may by rule of court designate the clerk of
3 the court, one of the clerk's deputies or another person as a jury
4 commissioner and may assign to the jury commissioner such
5 administrative duties in connection with trial juries and jurors as the
6 court finds desirable for efficient administration.

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

11 (a) The county; or

12 (b) The city whose population is 220,000 or more, for a
13 municipal court,

14 ↪ not exempt by law from jury duty, whether registered as voters or
15 not. The jurors may be selected by computer whenever procedures
16 to assure random selection from computerized lists are established
17 by the jury commissioner.

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

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

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



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

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

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

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

9 5. The jury commissioner shall:

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

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

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

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

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

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

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

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

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

34 6.150 1. Each person summoned to attend as a grand juror or
35 a trial juror in the district court or justice court, or a trial juror in the
36 municipal court, is entitled to a fee of ~~[\$40]~~ \$65 for each day after
37 the second day of jury selection that the person is in attendance in
38 response to the venire or summons, including Sundays and holidays.

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

43 3. In addition to the fees specified in subsections 1 and 2, a
44 board of county commissioners or governing body of a city may
45 provide that, for each day of such attendance or service, each person



1 is entitled to be paid the per diem allowance and travel expenses
2 provided for state officers and employees generally.

3 4. Each person summoned to attend as a grand juror or a trial
4 juror in the district court or justice court, or a trial juror in the
5 municipal court, and each grand juror and trial juror in the district
6 court or justice court, or trial juror in the municipal court, is entitled
7 to receive 36.5 cents a mile for each mile necessarily and actually
8 traveled if the home of the person summoned or serving as a juror is
9 30 miles or more from the place of trial.

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

16 6. In civil cases, any fee, per diem allowance, travel expense or
17 other compensation due each juror engaged in the trial of the cause
18 must be paid each day in advance to the clerk of the court, or the
19 justice of the peace, by the party who has demanded the jury. If the
20 party paying this money is the prevailing party, the money is
21 recoverable as costs from the losing party. If the jury from any cause
22 is discharged in a civil action without finding a verdict and the party
23 who demands the jury subsequently obtains judgment, the money so
24 paid is recoverable as costs from the losing party.

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

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

31 176A.850 1. A person who:

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

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

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

38 ↪ may be granted an honorable discharge from probation by order
39 of the court.

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

41 (a) Whose whereabouts are unknown;

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

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



1 ↪ is not eligible for an honorable discharge and must be given a
2 dishonorable discharge. A dishonorable discharge releases the
3 person from any further obligation, except as otherwise provided in
4 subsection 3.

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

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

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

10 (b) Is immediately restored to the right to serve as a juror . ~~fin a~~
11 ~~civil action.~~

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

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

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

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

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

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

29 ~~(i)~~ (h) Except as otherwise provided in paragraph ~~(h)~~ (g),
30 need not disclose the conviction to an employer or prospective
31 employer.

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

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

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

40 (b) That the person is restored to his or her civil right to serve as
41 a juror ~~fin a civil action~~ as of the date of his or her discharge from
42 probation; *and*

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



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

4 7. A person who has been discharged from probation in this
5 State or elsewhere and whose official documentation of discharge
6 from probation is lost, damaged or destroyed may file a written
7 request with a court of competent jurisdiction to restore the person’s
8 civil rights pursuant to this section. Upon verification that the person
9 has been discharged from probation and is eligible to be restored to
10 the civil rights set forth in subsection 4, the court shall issue an
11 order restoring the person to the civil rights set forth in subsection 4.
12 A person must not be required to pay a fee to receive such an order.

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

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

17 (b) A court order restoring the person’s civil rights,
18 ➔ as proof that the person has been restored to the civil rights set
19 forth in subsection 4.

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

21 213.155 1. A person who receives a discharge from parole
22 pursuant to NRS 213.154:

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

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

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

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

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

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

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

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

42 3. A person who has been discharged from parole in this State
43 or elsewhere and whose official documentation of his or her
44 discharge from parole is lost, damaged or destroyed may file a
45 written request with a court of competent jurisdiction to restore his



1 or her civil rights pursuant to this section. Upon verification that the
2 person has been discharged from parole and is eligible to be restored
3 to the civil rights set forth in subsection 1, the court shall issue an
4 order restoring the person to the civil rights set forth in subsection 1.
5 A person must not be required to pay a fee to receive such an order.

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

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

10 (b) A court order restoring his or her civil rights,
11 ➔ as proof that the person has been restored to the civil rights set
12 forth in subsection 1.

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

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

16 213.157 1. A person convicted of a felony:

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

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

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

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

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

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

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

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

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

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

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

40 3. A person who has been released from prison in this State or
41 elsewhere and whose official documentation of his or her release
42 from prison is lost, damaged or destroyed may file a written request
43 with a court of competent jurisdiction to restore his or her civil
44 rights pursuant to this section. Upon verification that the person has
45 been released from prison and is eligible to be restored to the civil



1 rights set forth in subsection 1, the court shall issue an order
2 restoring the person to the civil rights set forth in subsection 1. A
3 person must not be required to pay a fee to receive such an order.

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

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

8 (b) A court order restoring his or her civil rights,
9 ➔ as proof that the person has been restored to the civil rights set
10 forth in subsection 1.

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

13 *1. Upon the request of a district judge or jury commissioner,*
14 *the Department shall provide to the district judge or jury*
15 *commissioner a list of the names and addresses of persons who*
16 *receive public assistance for use in the selection of jurors pursuant*
17 *to NRS 6.045.*

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

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

23 1. A court, prosecuting attorney, defendant, or attorney for the
24 defendant to:

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

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

29 2. Either party to exercise its peremptory challenges.

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

33 **Sec. 8.** 1. This section becomes effective upon passage and
34 approval.

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

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

39 (b) On January 1, 2024, for all other purposes.

