

**RULE 44. CASES INVOLVING CONSTITUTIONAL QUESTIONS
WHERE STATE IS NOT A PARTY**

If a party questions the constitutionality of ~~a statute of the State of Nevada an Act of the Legislature~~ in any proceeding, including civil and criminal matters, in which the state or its agency, officer, or employee is not a party in an official capacity, the questioning party shall give written notice to the clerk of the Supreme Court immediately upon the filing of the docketing statement or as soon as the question is raised in the court. The clerk shall then certify that fact to the Attorney General.

Commented [DW1]: Subcommittee felt this language was more accurate than "Act of the Legislature."

Commented [DW2]: Subcommittee recommends clarifying that "proceeding" includes civil and criminal matters to clear up confusion after *State Office of the Att'y Gen. v. Justice Ct. of Las Vegas Twp.*, 133 Nev. 78, 83, 392 P.3d 170, 174 (2017) ("we conclude that NRS 30.130 does not entitle the AG to notice and opportunity to be heard when constitutional challenges to statutes arise in criminal proceedings.").