JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2023 LEGISLATIVE SESSION

Authority: NRS 218D.190

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than **September 1, 2022**.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: 775-687-9813

1. **Intent of Proposed Bill or Resolution** (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

The intent of this proposal is to clarify that jury trials in justice and municipal courts for misdemeanor criminal offenses require a jury comprised of six people.

2. **If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):**

Title 14, NRS 175.021

3. **Any additional information that may be helpful in drafting the bill or resolution** (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

Suggested language is attached. See SCOTUS decision in Williams v. Florida, 399 U.S. 78 (1970).

4. **Effective Date:**

- ☒ Default (October 1, 2023)
- ☐ July 1, 2023
- ☐ January 1, 2024
- ☐ Upon Passage and Approval
- ☐ Other

5. **Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 16, 2022. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Bryan Fernley, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at Bryan.Fernley@lcb.state.nv.us; or by fax at (775) 684-6761.

Section 1 NRS 175.021 is hereby amended to read as follows:

175.021 1. Trial juries for criminal actions are formed in the same manner as trial juries in civil actions.

2. Juries ***in district court*** must consist of 12 jurors, but at any time before jury selection, the parties may stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than six.

3. Juries in justice or municipal court must consist of six jurors.