

STAFF REPORT

Date: February 12, 2020

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: F.2. Staff Report (For Possible Action): Ordinance Adoption - Bill No. 7120 Ordinance to amend Title 2, Chapter 2.16, of the Reno Municipal Code entitled "Municipal Court," Jury Trial in Municipal Court; together with other matters properly relating thereto.

From: Brian Sooudi, Assistant City Attorney

Summary: On September 12, 2019 the Nevada Supreme Court decided Anderson v. Eighth Judicial District Court, 135 Nev. Adv. Op. No. 42 (2019), which determined that all defendants facing misdemeanor domestic battery charges are entitled to a jury trial. Prior to the decision of this case all Municipal Court misdemeanor cases were trial by judge due to the decision of Blanton V. North Las Vegas, 489 U.S. 538 (1989), which still applies to all other misdemeanors besides domestic battery. The reason for a trial by jury for domestic battery is due to the firearm prohibition that occurs as a result of a conviction. The Reno Municipal Code needs to have an ordinance that will provide guidance on how the Court will conduct a jury trial.

Previous Council Action: On March 27, 1989 Council repealed all ordinances in Chapter 2.16 Municipal Court that dealt with jury trials due to the Blanton v. North Las Vegas decision by the United States Supreme Court.

Discussion: The decision in Andersen v. Eighth Judicial District Court can best be described as follows: The Nevada Supreme Court granted Petitioner's petition for a writ of mandamus challenging the district court's decision affirming his conviction and disagreeing with Petitioner's argument that he was erroneously denied the right to a jury trial, holding that the offense of misdemeanor battery constituting domestic violence is a serious offense such that the right to a jury trial is triggered. Petitioner was charged with first-offense battery constituting domestic violence, a misdemeanor. Petitioner made a demand for a jury trial, but the municipal court denied the demand. Petitioner entered a no contest plea to the domestic battery charge. Before the Supreme Court Petitioner argued that recent changes by the Nevada Legislature made the offense a serious one, thus outside the holding of Blanton v. North Las Vegas. The Supreme Court agreed, holding that because statutes now limit the right to bear arms for a person who has been convicted of misdemeanor battery constituting a domestic violence and because the

Legislature has determined that the offense is a serious one, a jury trial is required.

The ruling now requires all first and second offense misdemeanor domestic battery cases be trial by jury. The Reno Municipal Court needs to have an ordinance in place to help guide the Court on how the jury trial will be conducted. The best option is to incorporate what is already in state law through NRS Chapter 6 and Chapter 175. Furthermore, the Reno Municipal Court will incur additional cost to accommodate this new mandate. There will be one time cost to retrofit the courthouse and courtroom for a jury as well as computer software licensing for jury selection and management. The Court will also have yearly cost due to jury trials that will include court interpreters, court reporter/transcripts, mailings, parking and per diem for jurors. The estimated cost is listed below.

Financial Implications: Estimated Cost for jury trials in Reno Municipal Court:

One-time Costs:

A.	Courtroom Modifications		
	1.	Jury Box Construction	\$20,000
	2.	Jury Box Chairs (7)	1,000
	3.	Moving Bar/Carpet Repair	2,500
B.	Deliberation Room		
	1.	Conference Table	1,100
	2.	Conference Table Chairs	1,250
C.	Jury Commissioner (reclassify existing position)	11,900	Jan-June
D.	Jury Management Software	<u>8,700</u>	
	TOTAL ONE-TIME COSTS	\$46,500	

On-going Costs:

A.	Jury Commissioner	\$23,800	
B.	Contract Enhancements		
	1.	LD's (must attend all jury selection sessions)	43,500
	2.	Court Interpreters	7,500
	3.	Court Reporter/Transcripts	3,500
	4.	Jury Management License and Maintenance	1,600
C.	Jury Assembly		

1. Summons (mailing)	3,500
2. Parking	2,500
3. Per Diem	<u>3,500</u>

TOTAL ON-GOING COSTS \$89,400

General Funds are available to cover the additional costs in the current year. The on-going costs will be included in the annual budget process.

Legal Implications: Legal review completed for compliance with City procedures and Nevada Law.

Recommendation: Staff recommends Council adoption of Ordinance No. _____.

Proposed Motion: I move to adopt Ordinance No. _____.

EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO.

ORDINANCE NO.

ORDINANCE TO AMEND TITLE 2, CHAPTER 2.16, OF THE RENO MUNICIPAL CODE ENTITLED “MUNICIPAL COURT,” JURY TRIAL IN MUNICIPAL COURT; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1. Title 2, Chapter 2.16, § 2.16.235 of the Reno Municipal Code is hereby added to read as follows:

Sec. 2.16.235 – Jury Trial in Municipal Court.

(a) Chapter 6 of the Nevada Revised Statutes entitled Juries and Chapter 175 of the Nevada Revised Statutes entitled Trial shall be applied to jury trials conducted in the Reno Municipal Court. All jury trials in the Reno Municipal Court will be heard by petit juries.

SECTION 2. The Reno City Council hereby finds that this ordinance is not subject to the requirements of Chapter 237 of NRS, Business Impact Statement process.

SECTION 3. This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 4. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____ ABSENT: _____

APPROVED this _____ day of _____, 2020.

MAYOR OF THE CITY OF RENO

ATTEST:

CITY CLERK AND CLERK OF THE CITY COUNCIL
OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE: