

BILL NO. 2767

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1.11 OF THE SPARKS MUNICIPAL CODE BY ADDING THERETO PROVISIONS EXPRESSLY ALLOWING SPARKS MUNICIPAL COURT TO CONDUCT JURY TRIALS IN APPROPRIATE CIRCUMSTANCES; DESCRIBING PERSONS QUALIFIED TO ACT AS JURORS; GRANTING SPARKS MUNICIPAL COURT AUTHORITY TO ESTABLISH POLICIES AND PROCEDURES FOR JURY TRIALS; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1. Section 1.11.070, “Legislative findings and declarations,” is hereby added as follows:

The City Council hereby finds and declares:

- A. Protecting accused criminal defendants’ constitutional and legal rights is of paramount importance in the criminal justice system;
- B. Providing accused defendants with all constitutional and legal rights they are owed is indispensable to the evenhanded pursuit of justice and essential to obtaining meaningful criminal convictions to protect the public health, safety, and welfare;
- C. The Sparks Municipal Court is vested with jurisdiction over all misdemeanor criminal offenses committed within the City of Sparks;
- D. The Nevada Supreme Court has determined that trial by jury is constitutionally required in certain misdemeanor cases;
- E. No applicable authority prohibits the Sparks Municipal Court from conducting a trial by jury in a misdemeanor case in which a defendant possesses a constitutional right to a trial by jury;
- F. The Nevada Legislature has declared that the Sparks City Charter shall be liberally construed to provide for the orderly government of the City and the general welfare of its citizens;

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G. The Nevada Legislature has declared that the City Council may exercise all powers necessary or proper to address matters of public health, safety, and welfare within the City; and

H. Recognizing the authority of the Sparks Municipal Court to conduct trials by jury in those misdemeanor cases for which trial by jury is constitutionally or legally required promotes the public health, safety, and welfare of all citizens and visitors in the City of Sparks.

SECTION 2. Section 1.11.080, “Trial by jury,” is hereby added as follows:

The Sparks Municipal Court is empowered to conduct trials by jury in misdemeanor criminal cases in which trial by jury is constitutionally required.

SECTION 3. Section 1.11.090, “Persons qualified to act as jurors,” is hereby added as follows:

Every qualified elector of the State of Nevada who resides within the City of Sparks and meets all legal requirements for jury service shall be a qualified juror of the City of Sparks.

SECTION 4. Section 1.11.100, “Municipal court to adopt policies and procedures necessary for trial by jury,” is hereby added as follows:

The Sparks Municipal Court is hereby authorized to adopt policies and procedures consistent with Nevada law and this chapter that are necessary and proper to effectuating trials by jury.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 7. This ordinance shall become effective upon passage, approval and publication.

SECTION 8. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

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SECTION 9. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

PASSED AND ADOPTED this ____ day of _____, 20____, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20____, by:

RONALD E. SMITH, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

LISA HUNDERMAN, City Clerk

CHESTER H. ADAMS, City Attorney