

CHAPTER.....

AN ACT relating to indigent services; revising provisions governing the Executive Director of the Department of Indigent Defense Services and the State Public Defender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Indigent Defense Services and requires the Governor to appoint the Executive Director of the Department, who serves at the pleasure of the Governor. (NRS 180.400) **Section 25.5** of this bill instead: (1) requires the Executive Director to serve at the pleasure of the Board on Indigent Defense Services; and (2) authorizes the Board to remove the Executive Director only for good cause, unless an exception applies. **Section 25.5** also specifies that the Executive Director serves a term of 4 years and may be reappointed.

Existing law creates the Office of the State Public Defender within the Department and requires the Governor to appoint the State Public Defender. (NRS 180.010) **Section 16** of this bill instead requires the Executive Director to appoint the State Public Defender. **Section 16** also authorizes the Executive Director to reappoint the State Public Defender.

Existing law requires the Executive Director and the State Public Defender to be licensed to practice law in this State. (NRS 180.010, 180.400) **Sections 16 and 25.5** instead require each such person to be a member of the State Bar of Nevada or otherwise authorized to practice law in this State under the rules of the Supreme Court.

Section 25.7 of this bill authorizes the person serving as the State Public Defender on the effective date of this bill to serve the remainder of the term for which he or she was appointed. **Section 25.7** also provides that the person serving as the Executive Director on the effective date of this bill is deemed to have been appointed to a term of 4 years beginning on that date.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Sections 1-15. (Deleted by amendment.)

Sec. 16. NRS 180.010 is hereby amended to read as follows:

180.010 1. The Office of State Public Defender is hereby created within the Department of Indigent Defense Services.

2. The ~~[Governor]~~ *Executive Director* shall appoint the State Public Defender for a term of 4 years, and until a successor is appointed and qualified. *The State Public Defender may be reappointed.*

3. The State Public Defender is responsible to the Executive Director.

4. The State Public Defender:



(a) Must be ~~{an attorney licensed}~~ *a member of the State Bar of Nevada in good standing or otherwise authorized* to practice law in the State of Nevada ~~{;} pursuant to the rules of the Supreme Court.~~

(b) Is in the unclassified service of the State and serves at the pleasure of the Executive Director.

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

5. No officer or agency of the State, other than the Executive Director and the deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.430 may supervise the State Public Defender. No officer or agency of the State, other than the Executive Director or deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.430 may assign the State Public Defender duties in addition to those prescribed by this chapter.

Secs. 17-25. (Deleted by amendment.)

Sec. 25.5. NRS 180.400 is hereby amended to read as follows:

180.400 1. The Department of Indigent Defense Services is hereby created.

2. The *Governor shall appoint the* Executive Director of the Department ~~{must be appointed by the Governor}~~ from a list of three persons recommended by the Board. *The Executive Director serves a term of 4 years, and until a successor is appointed and qualified. The Executive Director may be reappointed.*

3. ~~{The}~~ *Except as otherwise provided in subsection 5, the* Executive Director:

(a) Is in the unclassified service of this State;

(b) Serves at the pleasure of the ~~{Governor,}~~ *Board*, except that the Executive Director may only be removed ~~{upon a finding of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or}~~ for ~~{any other}~~ good cause;

(c) Must be ~~{an attorney licensed}~~ *a member of the State Bar of Nevada in good standing or otherwise authorized* to practice law in the State of Nevada ~~{;} pursuant to the rules of the Supreme Court;~~ and

(d) Must devote his or her entire time to his or her duties and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of this chapter.



5. In extraordinary circumstances, the Governor may remove the Executive Director upon a finding that the Executive Director:

(a) Engaged in criminal conduct, whether or not the conduct occurred in office; or

(b) Committed an act that constitutes malfeasance or nonfeasance in office. For the purposes of this paragraph, an otherwise lawful action taken within the scope of the statutory authority of the Executive Director does not constitute malfeasance or nonfeasance.

↪ The Legislature declares that the purpose of this subsection is to uphold the public policy that an indigent defense system must be independent in order to provide constitutionally adequate representation, as recognized by the American Bar Association Ten Principles of a Public Defense Delivery System, as published on November 9, 2023.

Sec. 25.7. Notwithstanding the amendatory provisions of this act:

1. The State Public Defender who was appointed pursuant to NRS 180.010 as that section existed on June 30, 2025, and who is serving a term on July 1, 2025, is entitled to serve the remainder of the term for which he or she was appointed.

2. The Executive Director who was appointed pursuant to NRS 180.400 as that section existed on June 30, 2025, shall be deemed to have been appointed to a term of 4 years on July 1, 2026.

Sec. 26. This act becomes effective on July 1, 2025.



