

**RESOLUTION JOINING THE REQUEST OF THE DISTRICT ATTORNEY FOR
THE ASSISTANCE OF THE ATTORNEY GENERAL AND/OR FOR
THE APPOINTMENT OF A SPECIAL PROSECUTOR**

WHEREAS, following the onset of the COVID-19 pandemic in March of 2020, the judiciary significantly limited public access to the Regional Justice Center in order to maintain social distancing and secure the health and safety of the public. The customer service windows located in the traffic division of the Las Vegas Justice Court were not accessible to the public through most of the pandemic; and

WHEREAS, although the Las Vegas Justice Court assisted customers telephonically, offered customers the option of entering a written plea, and developed an online traffic citation resolution platform, the vast majority of minor traffic violation citations¹ remain outstanding without adjudication; and

WHEREAS, as a consequence of the limited access to the Las Vegas Justice Court caused by the pandemic the Las Vegas Justice Court currently has approximately 177,000 traffic cases awaiting adjudication. In nearly 4,000 of those cases, the defendant has entered a not guilty plea and the case requires prosecution; and

WHEREAS, in an effort to resolve this backlog of cases, the Las Vegas Justice Court intends to launch a campaign announcing the reopening of the traffic division and the launch of the online traffic citation resolution platform to encourage the defendants in each of the 177,000 cases to resolve their case. This campaign will inevitably result in a significant increase in the number of cases pending prosecution; and

WHEREAS, minor traffic violation citations are directly filed with the Las Vegas Justice Court pursuant to NRS 484A.620 and are deemed the lawful complaint for purposes of prosecution. As such, these complaints are not entered into the case management system of the Clark County District Attorney which is utilized to issue subpoenas; and

WHEREAS, all cases wherein the defendant has entered a not guilty plea require data entry into the District Attorney's case management system in order to prepare and issue subpoenas and require a prosecuting attorney's presence at trial. The special prosecutor and/or designee will be provided access to the District Attorney's case management system for the limited purpose of issuing subpoenas; and

¹ Minor traffic violation citations include charges of a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State where the Department of Motor Vehicles has determined the demerit points for such violation is four points or less and any non-moving violations relating to licensing, registration, insurance, and equipment requirements.

WHEREAS, NRS 228.130 provides that in criminal cases where, in the judgment of the District Attorney, the assistance of the Attorney General's Office is required, the Board of County Commissioners must adopt a resolution joining in the request of the District Attorney to the Attorney General's Office for assistance; and

WHEREAS, the Criminal Division of the District Attorney is currently budgeted for 110 full-time attorneys and is charged with the prosecution of all felonies and gross misdemeanors committed in Clark County and all misdemeanors committed in unincorporated areas of Clark County; and

WHEREAS, in 2020, 34,913 misdemeanor cases were submitted to the District Attorney for prosecution; 22,857 felony and gross misdemeanor cases were submitted to the District Attorney for prosecution; and 164,852 new minor traffic violation citations were filed with the Las Vegas Justice Court. This level of case submittals and filings is expected to continue; and

WHEREAS, based upon the foregoing, there is insufficient staffing within the Criminal Division to resolve 177,000 traffic cases awaiting adjudication, to resolve the anticipated 13,700 new traffic cases filed monthly, and to prosecute in excess of 4,000 traffic cases wherein those charged have plead not guilty and require the issuance of subpoenas and/or trial; and

WHEREAS, in the judgment of the District Attorney, the personal presence of the Attorney General and/or a Special Prosecutor is required to assist to resolve 177,000 existing traffic cases awaiting adjudication, to resolve the anticipated 13,700 new traffic cases filed monthly, and to prosecute in excess of 4,000 traffic cases wherein those charged have plead not guilty and require the issuance of subpoenas and/or trial; and

WHEREAS, effective January 1, 2023, the vast majority of minor traffic violations will no longer be considered criminal misdemeanors but instead will be treated as civil infractions pursuant to the provisions of Assembly Bill 116 passed in the Nevada Legislature's 81st (2021) Session. It is anticipated that the procedural changes in handling civil infractions will alleviate the need for Attorney General and/or Special Prosecutor assistance beyond January 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Clark County Board of County Commissioners that the Board joins the District Attorney in his request for assistance from the Attorney General to resolve 177,000 existing traffic cases awaiting adjudication, and to prosecute in excess of 4,000 traffic cases wherein those charged have plead not guilty and require the issuance of subpoenas and/or trial; and in the event that the Attorney General declines or is unable to assist in the prosecution of these cases, the Board authorizes the Director of the Office of Appointed Counsel to appoint a Special Prosecutor for these matters through June 30, 2022.

PASSED, ADOPTED and APPROVED this ____day of December , 2021

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

MARILYN K. KIRKPATRICK, Chair

ATTESTED:

LYNN MARIE GOYA
County Clerk