

ASSEMBLY BILL NO. 97—ASSEMBLYMAN ELLISON

PREFILED JANUARY 30, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing wills. (BDR 12-505)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to wills; providing that a will which is delivered or presented to the clerk of a district court becomes part of the permanent record maintained by the clerk; providing that such wills become public records open to inspection unless sealed pursuant to certain provisions of the Nevada Supreme Court Rules; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires, under certain circumstances, certain persons in
2 possession of a will to deliver or present the will to the clerk of the district court
3 having jurisdiction over the case. (NRS 136.050) This bill provides that a will
4 which is delivered or presented to the clerk of a court becomes part of the
5 permanent record maintained by the clerk of the court, whether or not a petition for
6 the probate of the will is filed. This bill also provides that a will which is part of the
7 permanent record maintained by the clerk of a court becomes a public record open
8 to inspection unless the will is sealed pursuant to Part VII of the Nevada Supreme
9 Court Rules.

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

1 **Section 1.** NRS 136.050 is hereby amended to read as follows:
2 136.050 1. Any person having possession of a will shall,
3 within 30 days after knowledge of the death of the person who
4 executed the will, deliver it to the clerk of the district court which
5 has jurisdiction of the case or to the personal representative named
6 in the will.



1 2. Any person named as personal representative in a will shall,
2 within 30 days after the death of the testator, or within 30 days after
3 knowledge of being named, present the will, if in possession of it, to
4 the clerk of the court.

5 3. Every person who neglects to perform any of the duties
6 required in subsections 1 and 2 without reasonable cause is liable to
7 every person interested in the will for the damages the interested
8 person may sustain by reason of the neglect.

9 *4. A will that is delivered or presented pursuant to subsection*
10 *1 or 2 becomes part of the permanent record maintained by the*
11 *clerk of the court, whether or not a petition for the probate of the*
12 *will is filed.*

13 *5. A will that is part of the permanent record maintained by*
14 *the clerk of the court becomes a public record open to inspection*
15 *in accordance with NRS 239.010 unless the will is sealed pursuant*
16 *to Part VII of the Nevada Supreme Court Rules.*

17 **Sec. 2.** NRS 239.010 is hereby amended to read as follows:

18 239.010 1. Except as otherwise provided in this section and
19 NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516,
20 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160,
21 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
22 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
23 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
24 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
25 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130,
26 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
27 127.130, 127.140, 127.2817, 130.312, **136.050**, 159.044, 172.075,
28 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630,
29 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165,
30 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,
31 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521,
32 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110,
33 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240,
34 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190,
35 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050,
36 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007,
37 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130,
38 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
39 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
40 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
41 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
42 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
43 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
44 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
45 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,



1 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
2 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
3 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
4 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
5 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
6 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
7 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
8 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
9 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
10 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
11 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
12 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
13 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
14 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
15 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
16 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
17 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
18 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
19 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
20 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
21 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
22 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
23 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
24 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
25 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
26 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
27 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
28 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
29 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
30 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
31 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
32 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
33 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
34 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
35 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38
36 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
37 chapter 391, Statutes of Nevada 2013 and unless otherwise declared
38 by law to be confidential, all public books and public records of a
39 governmental entity must be open at all times during office hours to
40 inspection by any person, and may be fully copied or an abstract or
41 memorandum may be prepared from those public books and public
42 records. Any such copies, abstracts or memoranda may be used to
43 supply the general public with copies, abstracts or memoranda of the
44 records or may be used in any other way to the advantage of the
45 governmental entity or of the general public. This section does not



1 supersede or in any manner affect the federal laws governing
2 copyrights or enlarge, diminish or affect in any other manner the
3 rights of a person in any written book or record which is
4 copyrighted pursuant to federal law.

5 2. A governmental entity may not reject a book or record
6 which is copyrighted solely because it is copyrighted.

7 3. A governmental entity that has legal custody or control of a
8 public book or record shall not deny a request made pursuant to
9 subsection 1 to inspect or copy or receive a copy of a public book or
10 record on the basis that the requested public book or record contains
11 information that is confidential if the governmental entity can
12 redact, delete, conceal or separate the confidential information from
13 the information included in the public book or record that is not
14 otherwise confidential.

15 4. A person may request a copy of a public record in any
16 medium in which the public record is readily available. An officer,
17 employee or agent of a governmental entity who has legal custody
18 or control of a public record:

19 (a) Shall not refuse to provide a copy of that public record in a
20 readily available medium because the officer, employee or agent has
21 already prepared or would prefer to provide the copy in a different
22 medium.

23 (b) Except as otherwise provided in NRS 239.030, shall, upon
24 request, prepare the copy of the public record and shall not require
25 the person who has requested the copy to prepare the copy himself
26 or herself.

27 **Sec. 3.** This act becomes effective upon passage and approval.

