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SENATE BILL NO. 26—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to judicial administration. (BDR 14-323)

FISCAL NOTE: Effect on Local Government: No.  
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.

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AN ACT relating to judicial administration; revising provisions governing the appointment of an attorney in criminal and juvenile court proceedings; revising provisions governing the collection of delinquent fines, administrative assessments, fees, restitution and other payments imposed in criminal and juvenile court proceedings; authorizing a juvenile court to establish a restitution contribution fund; authorizing the waiver of all or part of any fine or community service imposed by the juvenile court in exchange for a monetary contribution to a restitution contribution fund; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires a court to appoint the public defender to represent a  
2 criminal defendant if: (1) the defendant has requested the appointment of an  
3 attorney to represent him or her; and (2) the court finds that the defendant is  
4 without means of employing an attorney and that representation of the defendant is  
5 required. (NRS 171.188) In addition, existing law requires a juvenile court to  
6 appoint an attorney to represent a child who is alleged to be delinquent or in need  
7 of supervision under certain circumstances. If the parent or guardian of a child for  
8 whom the juvenile court has appointed an attorney is not indigent, the parent or  
9 guardian is required to pay the reasonable fees and expenses of the attorney. If the  
10 parent or guardian of the child is indigent, the juvenile court may order the parent  
11 or guardian to reimburse the county or State in accordance with the parent or  
12 guardian’s ability to pay. (NRS 62D.030)



13 **Section 1** of this bill provides standards for determining whether a criminal  
14 defendant is entitled to have a public defender appointed to represent him or her.  
15 Under **section 1**, the court is required to appoint the public defender to represent a  
16 criminal defendant if the defendant: (1) receives public assistance, resides in public  
17 housing, has an income that is less than 200 percent of the federally designated  
18 poverty standard, is incarcerated or is housed in a public or private mental health  
19 facility; or (2) is financially unable, without substantial hardship to the defendant or  
20 his or her dependents, to obtain qualified and competent legal counsel. **Section 7** of  
21 this bill provides similar standards for determining whether the parent or guardian  
22 of a child for whom the juvenile court has appointed an attorney is required to pay  
23 for such legal representation or reimburse the county or State for such legal  
24 representation.

25 Existing law authorizes a court to impose a collection fee for certain delinquent  
26 fines, administrative assessments, fees and restitution and authorizes the court to  
27 take certain actions to collect such delinquent payments. (NRS 176.064) **Section 2**  
28 of this bill authorizes the court to enter a civil judgment for the amount of any  
29 unpaid fines, administrative assessments, fees and restitution imposed against a  
30 criminal defendant. Under **section 2**, the civil judgment may be enforced and  
31 renewed in the same manner as a judgment for money rendered in a civil action,  
32 and a person who is not indigent and who has not satisfied the civil judgment  
33 within a certain period may be punished for contempt. **Section 5** of this bill  
34 authorizes a juvenile court to impose the same collection fees for delinquent fines,  
35 administrative assessments, fees, restitution and certain other payments as a court  
36 may impose against a criminal defendant. **Section 5** authorizes a juvenile court to  
37 enter a civil judgment against a person who is not a minor for any delinquent fines,  
38 administrative assessments, fees, restitution or other payments required in a  
39 juvenile court proceeding and authorizes certain collection activities if the juvenile  
40 court has entered such a civil judgment. Moreover, if the juvenile court has entered  
41 a civil judgment against a person who is not indigent and the person has not  
42 satisfied the judgment within a certain period, **section 5** authorizes the juvenile  
43 court to punish the person for contempt. **Section 5** also authorizes the court to  
44 which the juvenile court has transferred a case to include satisfaction of a civil  
45 judgment entered by the juvenile court in any sentence imposed by that court.

46 **Section 9** of this bill authorizes a juvenile court to establish a restitution  
47 contribution fund. Under **section 9**, all expenditures from the restitution  
48 contribution fund: (1) must be authorized by the juvenile court; and (2) must  
49 provide restitution to victims of unlawful acts committed by children or, if the  
50 source of the money is a grant, gift, donation, bequest or devise, must be made in  
51 accordance with the terms of the grant, gift, donation, bequest or devise. **Section 10**  
52 of this bill authorizes the juvenile court to waive all or part of any fine or  
53 community service imposed by the juvenile court in exchange for a monetary  
54 contribution to the restitution contribution fund and requires the juvenile court to  
55 set forth in an administrative order that is available for public inspection a formula  
56 for determining the amount of a contribution to the fund and the manner in which  
57 the contribution must be made. **Section 6** of this bill authorizes an agreement for  
58 the informal supervision of a child to require the child to make a monetary  
59 contribution to a restitution contribution fund.

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

1       **Section 1.** NRS 171.188 is hereby amended to read as follows:  
2       171.188 1. Any defendant charged with a public offense who  
3 is an indigent may, by oral statement to the district judge, justice of  
4 the peace, municipal judge or master, request the appointment of an  
5 attorney to represent the defendant.

6       2. The request must be accompanied by the defendant's  
7 affidavit, which must state:

8       (a) That the defendant is without means of employing an  
9 attorney; and

10       (b) Facts with some particularity, definiteness and certainty  
11 concerning the defendant's financial disability.

12       3. The district judge, justice of the peace, municipal judge or  
13 master shall forthwith consider the application and shall make such  
14 further inquiry as he or she considers necessary. If the district judge,  
15 justice of the peace, municipal judge or master:

16       (a) Finds that the defendant is without means of employing an  
17 attorney ~~is~~ *according to the criteria set forth in subsection 4;* and

18       (b) Otherwise determines that representation is required,  
19 → the judge, justice or master shall designate the public defender of  
20 the county or the State Public Defender, as appropriate, to represent  
21 the defendant. If the appropriate public defender is unable to  
22 represent the defendant, or other good cause appears, another  
23 attorney must be appointed.

24       4. *For the purposes of paragraph (a) of subsection 3, a*  
25 *district judge, justice of the peace, municipal judge or master shall*  
26 *find that a defendant is without means of employing an attorney*  
27 *if:*

28       (a) *The defendant:*

29           (1) *Receives public assistance, as that term is defined in*  
30 *NRS 422A.065;*

31           (2) *Resides in public housing, as that term is defined in*  
32 *NRS 315.021;*

33           (3) *Has a household income that is less than 200 percent of*  
34 *the federally designated level signifying poverty;*

35           (4) *Is incarcerated pursuant to a sentence imposed upon*  
36 *conviction of a crime; or*

37           (5) *Is housed in a public or private mental health facility;*  
38 *or*

39       (b) *After considering the particular circumstances of the*  
40 *defendant, including, without limitation, the seriousness of the*  
41 *charges against the defendant, the monthly expenses of*  
42 *the defendant and the rates for attorneys in the area in which the*



1 *court is located, the judge, justice or master determines that the*  
2 *defendant is financially unable, without substantial hardship to*  
3 *the defendant or his or her dependents, to obtain qualified and*  
4 *competent legal counsel.*

5 5. The county or State Public Defender must be reimbursed by  
6 the city for costs incurred in appearing in municipal court. The  
7 county shall reimburse the State Public Defender for costs incurred  
8 in appearing in Justice Court. If a private attorney is appointed as  
9 provided in this section, the private attorney must be reimbursed by  
10 the county for appearance in Justice Court or the city for appearance  
11 in municipal court in an amount not to exceed \$75 per case.

12 **Sec. 2.** NRS 176.064 is hereby amended to read as follows:

13 176.064 1. If a fine, administrative assessment, fee or  
14 restitution is imposed upon a defendant pursuant to this chapter,  
15 whether or not the fine, administrative assessment, fee or restitution  
16 is in addition to any other punishment, and the fine, administrative  
17 assessment, fee or restitution or any part of it remains unpaid after  
18 the time established by the court for its payment, the defendant is  
19 liable for a collection fee, to be imposed by the court at the time it  
20 finds that the fine, administrative assessment, fee or restitution is  
21 delinquent, of:

22 (a) Not more than \$100, if the amount of the delinquency is less  
23 than \$2,000.

24 (b) Not more than \$500, if the amount of the delinquency is  
25 \$2,000 or greater, but is less than \$5,000.

26 (c) Ten percent of the amount of the delinquency, if the amount  
27 of the delinquency is \$5,000 or greater.

28 2. A state or local entity that is responsible for collecting a  
29 delinquent fine, administrative assessment, fee or restitution may, in  
30 addition to attempting to collect the fine, administrative assessment,  
31 fee or restitution through any other lawful means, take any or all of  
32 the following actions:

33 (a) Report the delinquency to reporting agencies that assemble  
34 or evaluate information concerning credit.

35 (b) Request that the court take appropriate action pursuant to  
36 subsection 3.

37 (c) Contract with a collection agency licensed pursuant to NRS  
38 649.075 to collect the delinquent amount and the collection fee. The  
39 collection agency must be paid as compensation for its services an  
40 amount not greater than the amount of the collection fee imposed  
41 pursuant to subsection 1, in accordance with the provisions of the  
42 contract.

43 3. The court may, on its own motion or at the request of a state  
44 or local entity that is responsible for collecting the delinquent fine,



1 administrative assessment, fee or restitution, take any or all of the  
2 following actions, in the following order of priority if practicable:

3 (a) *Enter a civil judgment for the amount due in favor of the*  
4 *state or local entity that is responsible for collecting the delinquent*  
5 *fine, administrative assessment, fee or restitution. A civil judgment*  
6 *entered pursuant to this paragraph may be enforced and renewed*  
7 *in the manner provided by law for the enforcement and renewal of*  
8 *a judgment for money rendered in a civil action. If the court has*  
9 *entered a civil judgment pursuant to this paragraph and the*  
10 *person against whom the judgment is entered is not indigent and*  
11 *has not satisfied the judgment within the time established by the*  
12 *court, the person may be punished for contempt.*

13 (b) Request that a prosecuting attorney undertake collection of  
14 the delinquency, including, without limitation, the original amount  
15 *of the civil judgment entered pursuant to paragraph (a)* and the  
16 collection fee, by attachment or garnishment of the defendant's  
17 property, wages or other money receivable.

18 ~~(b)~~ (c) Order the suspension of the driver's license of the  
19 defendant. If the defendant does not possess a driver's license, the  
20 court may prohibit the defendant from applying for a driver's  
21 license for a specified period. If the defendant is already the subject  
22 of a court order suspending or delaying the issuance of the  
23 defendant's driver's license, the court may order the additional  
24 suspension or delay, as appropriate, to apply consecutively with the  
25 previous order. At the time the court issues an order suspending the  
26 driver's license of a defendant pursuant to this paragraph, the court  
27 shall require the defendant to surrender to the court all driver's  
28 licenses then held by the defendant. The court shall, within 5 days  
29 after issuing the order, forward to the Department of Motor Vehicles  
30 the licenses, together with a copy of the order. At the time the court  
31 issues an order pursuant to this paragraph delaying the ability of a  
32 defendant to apply for a driver's license, the court shall, within 5  
33 days after issuing the order, forward to the Department of Motor  
34 Vehicles a copy of the order. The Department of Motor Vehicles  
35 shall report a suspension pursuant to this paragraph to an insurance  
36 company or its agent inquiring about the defendant's driving record,  
37 but such a suspension must not be considered for the purpose of  
38 rating or underwriting.

39 ~~(c)~~ (d) For a delinquent fine or administrative assessment,  
40 order the confinement of the person in the appropriate prison, jail or  
41 detention facility, as provided in NRS 176.065 and 176.075.

42 4. Money collected from a collection fee imposed pursuant to  
43 subsection 1 must be distributed in the following manner:

44 (a) Except as otherwise provided in paragraph (d), if the money  
45 is collected by or on behalf of a municipal court, the money must be



1 deposited in a special fund in the appropriate city treasury. The city  
2 may use the money in the fund only to develop and implement a  
3 program for the collection of fines, administrative assessments, fees  
4 and restitution.

5 (b) Except as otherwise provided in paragraph (d), if the money  
6 is collected by or on behalf of a justice court or district court, the  
7 money must be deposited in a special fund in the appropriate county  
8 treasury. The county may use the money in the special fund only to  
9 develop and implement a program for the collection of fines,  
10 administrative assessments, fees and restitution.

11 (c) Except as otherwise provided in paragraph (d), if the money  
12 is collected by a state entity, the money must be deposited in an  
13 account, which is hereby created in the State Treasury. The Court  
14 Administrator may use the money in the account only to develop  
15 and implement a program for the collection of fines, administrative  
16 assessments, fees and restitution in this State.

17 (d) If the money is collected by a collection agency, after the  
18 collection agency has been paid its fee pursuant to the terms of the  
19 contract, any remaining money must be deposited in the state, city  
20 or county treasury, whichever is appropriate, to be used only for the  
21 purposes set forth in paragraph (a), (b) or (c) of this subsection.

22 **Sec. 3.** NRS 176.065 is hereby amended to read as follows:

23 176.065 1. Except as otherwise provided in subsection 2,  
24 when a person is sentenced to both fine and imprisonment, or to pay  
25 a forfeiture in addition to imprisonment, the court may, pursuant to  
26 NRS 176.064, *or section 5 of this act*, order that the person be  
27 confined in the state prison, the city or county jail or a detention  
28 facility, whichever is designated in the person's sentence of  
29 imprisonment, for an additional period of 1 day for each \$75 of the  
30 amount until the administrative assessment and the fine or forfeiture  
31 are satisfied or the maximum term of imprisonment prescribed by  
32 law for the offense committed has elapsed, whichever is earlier, but  
33 the person's eligibility for parole is governed only by the person's  
34 sentence of imprisonment.

35 2. The provisions of this section do not apply to indigent  
36 persons.

37 **Sec. 4.** NRS 176.075 is hereby amended to read as follows:

38 176.075 1. Except as otherwise provided in subsection 2,  
39 when a person is sentenced to pay a fine or forfeiture without an  
40 accompanying sentence of imprisonment, the court may, pursuant to  
41 NRS 176.064, *or section 5 of this act*, order that the person be  
42 confined in the city or county jail or detention facility for a period of  
43 not more than 1 day for each \$75 of the amount until the  
44 administrative assessment and the fine or forfeiture are satisfied.



1 2. The provisions of this section do not apply to indigent  
2 persons.

3 **Sec. 5.** Chapter 62B of NRS is hereby amended by adding  
4 thereto a new section to read as follows:

5 *1. Except as otherwise provided in this subsection, if,*  
6 *pursuant to this title, a child or a parent or guardian of a child is*  
7 *ordered by the juvenile court, or is otherwise required, to pay a*  
8 *fine, administrative assessment, fee or restitution or to make any*  
9 *other payment and the fine, administrative assessment, fee,*  
10 *restitution or other payment or any part of it remains unpaid after*  
11 *the time established by the juvenile court for its payment, the*  
12 *juvenile court may enter a civil judgment for the amount due in*  
13 *favor of the state or local entity to whom the amount is owed. The*  
14 *juvenile court may not enter a civil judgment against a person who*  
15 *is a child unless the person has attained the age of 18 years.*

16 *2. Notwithstanding the termination of the jurisdiction of the*  
17 *juvenile court or the completion of a period of probation imposed*  
18 *by the juvenile court, the juvenile court which entered a civil*  
19 *judgment pursuant to subsection 1 may supervise the civil*  
20 *judgment and take any of the actions authorized by this section.*

21 *3. A civil judgment entered pursuant to subsection 1 may be*  
22 *enforced and renewed in the manner provided by law for the*  
23 *enforcement and renewal of a judgment for money rendered in a*  
24 *civil action.*

25 *4. If the juvenile court enters a civil judgment pursuant to*  
26 *subsection 1, the person or persons against whom the judgment is*  
27 *issued is liable for a collection fee, to be imposed by the juvenile*  
28 *court at the time it issues the judgment, of:*

29 *(a) Not more than \$100, if the amount of the judgment is less*  
30 *than \$2,000.*

31 *(b) Not more than \$500, if the amount of the judgment is*  
32 *\$2,000 or greater, but is less than \$5,000.*

33 *(c) Ten percent of the amount of the judgment, if the amount*  
34 *of the judgment is \$5,000 or greater.*

35 *5. In addition to attempting to collect the judgment through*  
36 *any other lawful means, a state or local entity that is responsible*  
37 *for collecting a civil judgment entered pursuant to subsection 1*  
38 *may take any or all of the following actions:*

39 *(a) Report the judgment to reporting agencies that assemble or*  
40 *evaluate information concerning credit.*

41 *(b) Request that the juvenile court take appropriate action*  
42 *pursuant to subsection 6.*

43 *(c) Contract with a collection agency licensed pursuant to NRS*  
44 *649.075 to collect the judgment and the collection fee. The*  
45 *collection agency must be paid as compensation for its services an*



1 amount not greater than the amount of the collection fee imposed  
2 pursuant to subsection 4, in accordance with the provisions of the  
3 contract.

4 6. A juvenile court which has entered a civil judgment  
5 pursuant to subsection 1 may, on its own motion or at the request  
6 of the state or local entity that is responsible for collecting the  
7 judgment, take any or all of the following actions, in the following  
8 order of priority if practicable:

9 (a) Request that the district attorney undertake collection of  
10 the judgment, including, without limitation, the original amount  
11 and the collection fee, by attachment or garnishment of the  
12 judgment debtor's property, wages or other money receivable.

13 (b) Order the suspension of the driver's license of a judgment  
14 debtor. If a judgment debtor does not possess a driver's license,  
15 the juvenile court may prohibit the judgment debtor from applying  
16 for a driver's license for a specified period. If the judgment debtor  
17 is already the subject of a court order suspending or delaying the  
18 issuance of the driver's license of the judgment debtor, the  
19 juvenile court may order the additional suspension or delay, as  
20 appropriate, to apply consecutively with the previous order. At the  
21 time the juvenile court issues an order suspending the driver's  
22 license of a judgment debtor pursuant to this paragraph, the  
23 juvenile court shall require the judgment debtor to surrender to  
24 the juvenile court all driver's licenses then held by the judgment  
25 debtor. The juvenile court shall, within 5 days after issuing the  
26 order, forward to the Department of Motor Vehicles the licenses,  
27 together with a copy of the order. At the time the juvenile court  
28 issues an order pursuant to this paragraph delaying the ability of a  
29 judgment debtor to apply for a driver's license, the juvenile court  
30 shall, within 5 days after issuing the order, forward to the  
31 Department of Motor Vehicles a copy of the order. The  
32 Department of Motor Vehicles shall report a suspension pursuant  
33 to this paragraph to an insurance company or its agent inquiring  
34 about the judgment debtor's driving record, but such a suspension  
35 must not be considered for the purpose of rating or underwriting.

36 (c) If the judgment was issued for a delinquent fine or  
37 administrative assessment, order the confinement of the person in  
38 the appropriate prison, jail or detention facility, as provided in  
39 NRS 176.065 and 176.075.

40 7. Money collected from a collection fee imposed pursuant to  
41 subsection 4 must be deposited and used in the manner set forth in  
42 subsection 4 of NRS 176.064.

43 8. Except as otherwise provided in this subsection, if the  
44 juvenile court has entered a civil judgment pursuant to subsection  
45 1 and the person against whom the judgment is entered has not





1 *satisfied the judgment within the time established by the juvenile*  
2 *court, the person may be punished for contempt as provided in*  
3 *NRS 62E.040. A person who is indigent may not be punished for*  
4 *contempt pursuant to this subsection.*

5 **9. If the juvenile court:**

6 (a) *Enters a civil judgment pursuant to subsection 1; and*

7 (b) *Pursuant to this title:*

8 (1) *Transfers to another court the case under which the*  
9 *judgment was entered; or*

10 (2) *Certifies the child involved in that case for proper*  
11 *criminal proceedings as an adult,*

12 *↳ the court to which the case is transferred may include*  
13 *satisfaction of the judgment in any sentence imposed on the child*  
14 *whose case was transferred.*

15 **Sec. 6.** NRS 62C.210 is hereby amended to read as follows:

16 62C.210 1. An agreement for informal supervision may  
17 require the child to:

18 (a) Perform community service, ~~or~~ provide restitution to any  
19 victim of the acts for which the child was referred to the probation  
20 officer ~~or~~ *make a monetary contribution to a restitution*  
21 *contribution fund established pursuant to section 9 of this act;*

22 (b) Participate in a program of restitution through work that is  
23 established pursuant to NRS 62E.580 if the child:

24 (1) Is 14 years of age or older;

25 (2) Has never been found to be within the purview of this  
26 title for an unlawful act that involved the use or threatened use of  
27 force or violence against a victim and has never been found to have  
28 committed such an unlawful act in any other jurisdiction, unless the  
29 probation officer determines that the child would benefit from the  
30 program;

31 (3) Is required to provide restitution to a victim; and

32 (4) Voluntarily agrees to participate in the program of  
33 restitution through work; ~~or~~

34 (c) Complete a program of cognitive training and human  
35 development pursuant to NRS 62E.220 if:

36 (1) The child has never been found to be within the purview  
37 of this title; and

38 (2) The unlawful act for which the child is found to be within  
39 the purview of this title did not involve the use or threatened use of  
40 force or violence against a victim; or

41 (d) Engage in any combination of the activities set forth in this  
42 subsection.

43 2. If the agreement for informal supervision requires the child  
44 to participate in a program of restitution through work or complete a  
45 program of cognitive training and human development, the



1 agreement may also require any or all of the following, in the  
2 following order of priority if practicable:

3 (a) The child or the parent or guardian of the child, or both, to  
4 the extent of their financial ability, to pay the costs associated with  
5 the participation of the child in the program, including, but not  
6 limited to:

7 (1) A reasonable sum of money to pay for the cost of policies  
8 of insurance against liability for personal injury and damage to  
9 property during those periods in which the child participates in the  
10 program or performs work; and

11 (2) In the case of a program of restitution through work, for  
12 industrial insurance, unless the industrial insurance is provided by  
13 the employer for which the child performs the work; or

14 (b) The child to work on projects or perform community service  
15 for a period that reflects the costs associated with the participation  
16 of the child in the program.

17 **Sec. 7.** NRS 62D.030 is hereby amended to read as follows:

18 62D.030 1. If a child is alleged to be delinquent or in need of  
19 supervision, the juvenile court shall advise the child and the parent  
20 or guardian of the child that the child is entitled to be represented by  
21 an attorney at all stages of the proceedings.

22 2. If a parent or guardian of a child is indigent, the parent or  
23 guardian may request the appointment of an attorney to represent  
24 the child pursuant to the provisions in NRS 171.188.

25 3. Except as otherwise provided in this section, the juvenile  
26 court shall appoint an attorney for a child if the parent or guardian of  
27 the child does not retain an attorney for the child and is not likely to  
28 retain an attorney for the child.

29 4. A child may waive the right to be represented by an attorney  
30 if:

31 (a) A petition is not filed and the child is placed under informal  
32 supervision pursuant to NRS 62C.200; or

33 (b) A petition is filed and the record of the juvenile court shows  
34 that the waiver of the right to be represented by an attorney is made  
35 knowingly, intelligently, voluntarily and in accordance with any  
36 applicable standards established by the juvenile court.

37 5. Except as otherwise provided in *subsection 6 and* NRS  
38 424.085, if the juvenile court appoints an attorney to represent a  
39 child and:

40 (a) The parent or guardian of the child is not indigent, the parent  
41 or guardian shall pay the reasonable fees and expenses of the  
42 attorney.

43 (b) The parent or guardian of the child is indigent, the juvenile  
44 court may order the parent or guardian to reimburse the county or  
45 State in accordance with the ability of the parent or guardian to pay.



1 6. *For the purposes of paragraph (b) of subsection 5, the*  
2 *juvenile court shall find that the parent or guardian of the child is*  
3 *indigent if:*

4 (a) *The parent or guardian:*

5 (1) *Receives public assistance, as that term is defined in*  
6 *NRS 422A.065;*

7 (2) *Resides in public housing, as that term is defined in*  
8 *NRS 315.021;*

9 (3) *Has a household income that is less than 200 percent of*  
10 *the federally designated level signifying poverty;*

11 (4) *Is incarcerated pursuant to a sentence imposed upon*  
12 *conviction of a crime; or*

13 (5) *Is housed in a public or private mental health facility;*  
14 *or*

15 (b) *After considering the particular circumstances of the*  
16 *parent or guardian, including, without limitation, the seriousness*  
17 *of the charges against the child, the monthly expenses of the*  
18 *parent or guardian and the rates for attorneys in the area in which*  
19 *the juvenile court is located, the juvenile court determines that the*  
20 *parent or guardian is financially unable, without substantial*  
21 *hardship to the parent or guardian or his or her dependents, to*  
22 *obtain qualified and competent legal counsel.*

23 7. Each attorney, other than a public defender, who is  
24 appointed under the provisions of this section is entitled to the same  
25 compensation and expenses from the county as is provided in NRS  
26 7.125 and 7.135 for attorneys appointed to represent persons  
27 charged with criminal offenses.

28 **Sec. 8.** Chapter 62E of NRS is hereby amended by adding  
29 thereto the provisions set forth as sections 9 and 10 of this act.

30 **Sec. 9. 1.** *The juvenile court may establish, with the county*  
31 *treasurer as custodian, a special fund to be known as the*  
32 *restitution contribution fund.*

33 2. *The juvenile court may apply for and accept grants, gifts,*  
34 *donations, bequests or devises which the director of juvenile*  
35 *services shall deposit with the county treasurer for credit to the*  
36 *fund.*

37 3. *The fund must be a separate and continuing fund, and no*  
38 *money in the fund reverts to the general fund of the county at any*  
39 *time. The interest earned on the money in the fund, after*  
40 *deducting any applicable charges, must be credited to the fund.*

41 4. *The juvenile court shall:*

42 (a) *Expend money from the fund only to provide restitution to*  
43 *a victim of an unlawful act committed by a child; and*

44 (b) *If the source of the money is a grant, gift, donation,*  
45 *bequest or devise, expend the money, to the extent permitted by*



1 law, in accordance with the terms of the grant, gift, donation,  
2 bequest or devise.

3 5. The juvenile court must authorize any expenditure from  
4 the fund before it is made.

5 **Sec. 10. 1.** If a juvenile court has established a restitution  
6 contribution fund pursuant to section 9 of this act:

7 (a) In exchange for a monetary contribution to the restitution  
8 contribution fund, the juvenile court may, in its discretion, waive  
9 all or part of:

10 (1) A fine imposed against a child, the parent or guardian  
11 of a child, or both;

12 (2) Any community service which the juvenile court has  
13 ordered a child, the parent or guardian of a child, or both, to  
14 perform; or

15 (3) Both:

16 (I) A fine imposed against a child, the parent or  
17 guardian of a child, or both; and

18 (II) Any community service which the juvenile court has  
19 ordered a child, the parent or guardian of a child, or both, to  
20 perform.

21 (b) The juvenile court shall set forth in a written  
22 administrative order:

23 (1) A formula for determining the amount of the  
24 contribution to the restitution contribution fund pursuant to this  
25 section; and

26 (2) The manner in which the contribution must be made.

27 ↪ The juvenile court shall make available for public inspection  
28 the written administrative order described in this paragraph.

29 2. The provisions of this section do not:

30 (a) Create a right on behalf of a child or a parent or guardian  
31 of a child to the waiver of all or part of any fine imposed against,  
32 or any community service to be performed by, the child or the  
33 parent or guardian, or both, in exchange for a monetary  
34 contribution to a restitution contribution fund established  
35 pursuant to section 9 of this act; or

36 (b) Establish a basis for any cause of action against the State  
37 of Nevada or its officers or employees for denial of a waiver of all  
38 or part of any fine to be imposed against, or any community  
39 service to be performed by, a child or a parent or guardian of a  
40 child, or both, in exchange for a monetary contribution to a  
41 restitution contribution fund established pursuant to section 9 of  
42 this act.

43 **Sec. 11.** NRS 62E.100 is hereby amended to read as follows:

44 62E.100 Except as otherwise provided in NRS 62E.100 to  
45 62E.300, inclusive:



1 1. The provisions of NRS 62E.100 to 62E.300, inclusive, *and*  
2 *sections 9 and 10 of this act* apply to the disposition of a case  
3 involving any child who is found to be within the purview of this  
4 title.

5 2. In addition to any other orders or actions authorized or  
6 required by the provisions of this title, if a child is found to be  
7 within the purview of this title:

8 (a) The juvenile court may issue any orders or take any actions  
9 set forth in NRS 62E.100 to 62E.300, inclusive, *and sections 9 and*  
10 *10 of this act* that the juvenile court deems proper for the disposition  
11 of the case; and

12 (b) If required by a specific statute, the juvenile court shall issue  
13 the appropriate orders or take the appropriate actions set forth in the  
14 statute.

15 **Sec. 12.** NRS 483.443 is hereby amended to read as follows:

16 483.443 1. The Department shall, upon receiving notification  
17 from a district attorney or other public agency collecting support for  
18 children pursuant to NRS 425.510 that a court has determined that a  
19 person:

20 (a) Has failed to comply with a subpoena or warrant relating to a  
21 proceeding to establish paternity or to establish or enforce an  
22 obligation for the support of a child; or

23 (b) Is in arrears in the payment for the support of one or more  
24 children,

25 ➔ send a written notice to that person that his or her driver's license  
26 is subject to suspension.

27 2. The notice must include:

28 (a) The reason for the suspension of the license;

29 (b) The information set forth in subsections ~~[2-]~~ 5 and 6; and

30 (c) Any other information the Department deems necessary.

31 3. If a person who receives a notice pursuant to subsection 1  
32 does not, within 30 days after receiving the notice, comply with the  
33 subpoena or warrant or satisfy the arrearage as required in NRS  
34 425.510, the Department shall suspend the license without providing  
35 the person with an opportunity for a hearing.

36 4. The Department shall suspend immediately the license of a  
37 defendant if so ordered pursuant to NRS 176.064 ~~[4]~~ *or section 5 of*  
38 *this act*.

39 5. The Department shall reinstate the driver's license of a  
40 person whose license was suspended pursuant to this section if it  
41 receives:

42 (a) A notice from the district attorney or other public agency  
43 pursuant to NRS 425.510 that the person has complied with the  
44 subpoena or warrant or has satisfied the arrearage pursuant to that  
45 section or from a district judge that a delinquency for which the



1 suspension was ordered pursuant to NRS 176.064 *or section 5 of*  
2 *this act* has been discharged; and

3 (b) Payment of the fee for reinstatement of a suspended license  
4 prescribed in NRS 483.410.

5 6. The Department shall not require a person whose driver's  
6 license was suspended pursuant to this section to submit to the tests  
7 and other requirements which are adopted by regulation pursuant to  
8 subsection 1 of NRS 483.495 as a condition of the reinstatement of  
9 the license.

10 **Sec. 13.** NRS 483.460 is hereby amended to read as follows:

11 483.460 1. Except as otherwise provided by specific statute,  
12 the Department shall revoke the license, permit or privilege of any  
13 driver upon receiving a record of his or her conviction of any of the  
14 following offenses, when that conviction has become final, and the  
15 driver is not eligible for a license, permit or privilege to drive for  
16 the period indicated:

17 (a) For a period of 3 years if the offense is:

18 (1) A violation of subsection 5 of NRS 484B.653.

19 (2) A third or subsequent violation within 7 years of NRS  
20 484C.110 or 484C.120.

21 (3) A violation of NRS 484C.110 or 484C.120 resulting in a  
22 felony conviction pursuant to NRS 484C.400 or 484C.410.

23 (4) A violation of NRS 484C.430 or a homicide resulting  
24 from driving or being in actual physical control of a vehicle while  
25 under the influence of intoxicating liquor or a controlled substance  
26 or resulting from any other conduct prohibited by NRS 484C.110,  
27 484C.130 or 484C.430.

28 ➔ The period during which such a driver is not eligible for a  
29 license, permit or privilege to drive must be set aside during any  
30 period of imprisonment and the period of revocation must resume  
31 when the Department is notified pursuant to NRS 209.517 or  
32 213.12185 that the person has completed the period of  
33 imprisonment or that the person has been placed on residential  
34 confinement or parole.

35 (b) For a period of 1 year if the offense is:

36 (1) Any other manslaughter, including vehicular  
37 manslaughter as described in NRS 484B.657, resulting from the  
38 driving of a motor vehicle or felony in the commission of which a  
39 motor vehicle is used, including the unlawful taking of a motor  
40 vehicle.

41 (2) Failure to stop and render aid as required pursuant to the  
42 laws of this State in the event of a motor vehicle accident resulting  
43 in the death or bodily injury of another.

44 (3) Perjury or the making of a false affidavit or statement  
45 under oath to the Department pursuant to NRS 483.010 to 483.630,



1 inclusive, or pursuant to any other law relating to the ownership or  
2 driving of motor vehicles.

3 (4) Conviction, or forfeiture of bail not vacated, upon three  
4 charges of reckless driving committed within a period of 12 months.

5 (5) A second violation within 7 years of NRS 484C.110 or  
6 484C.120 and the driver is not eligible for a restricted license during  
7 any of that period.

8 (6) A violation of NRS 484B.550.

9 (c) For a period of 90 days, if the offense is a first violation  
10 within 7 years of NRS 484C.110 or 484C.120.

11 2. The Department shall revoke the license, permit or privilege  
12 of a driver convicted of violating NRS 484C.110 or 484C.120 who  
13 fails to complete the educational course on the use of alcohol and  
14 controlled substances within the time ordered by the court and shall  
15 add a period of 90 days during which the driver is not eligible for a  
16 license, permit or privilege to drive.

17 3. When the Department is notified by a court that a person  
18 who has been convicted of a first violation within 7 years of NRS  
19 484C.110 has been permitted to enter a program of treatment  
20 pursuant to NRS 484C.320, the Department shall reduce by one-half  
21 the period during which the person is not eligible for a license,  
22 permit or privilege to drive, but shall restore that reduction in time if  
23 notified that the person was not accepted for or failed to complete  
24 the treatment.

25 4. The Department shall revoke the license, permit or privilege  
26 to drive of a person who is required to install a device pursuant to  
27 NRS 484C.460 but who operates a motor vehicle without such a  
28 device:

29 (a) For 3 years, if it is his or her first such offense during the  
30 period of required use of the device.

31 (b) For 5 years, if it is his or her second such offense during the  
32 period of required use of the device.

33 5. A driver whose license, permit or privilege is revoked  
34 pursuant to subsection 4 is not eligible for a restricted license during  
35 the period set forth in paragraph (a) or (b) of that subsection,  
36 whichever applies.

37 6. In addition to any other requirements set forth by specific  
38 statute, if the Department is notified that a court has ordered the  
39 revocation, suspension or delay in the issuance of a license pursuant  
40 to title 5 of NRS, NRS 176.064 or 206.330, *or section 5 of this act*,  
41 chapters 484A to 484E, inclusive, of NRS or any other provision of  
42 law, the Department shall take such actions as are necessary to carry  
43 out the court's order.

44 7. As used in this section, "device" has the meaning ascribed to  
45 it in NRS 484C.450.



- 1     **Sec. 14.** 1. This act becomes effective upon passage and  
2 approval.  
3     2. Section 12 of this act expires by limitation on the date on  
4 which the provisions of 42 U.S.C. § 666 requiring each state to  
5 establish procedures under which the state has authority to withhold  
6 or suspend, or to restrict the use of professional, occupational and  
7 recreational licenses of persons who:  
8       (a) Have failed to comply with a subpoena or warrant relating to  
9 a proceeding to determine the paternity of a child or to establish or  
10 enforce an obligation for the support of a child; or  
11       (b) Are in arrears in the payment for the support of one or more  
12 children,  
13     ↪ are repealed by the Congress of the United States.

⑩



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