

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.

AN ACT relating to judicial administration; revising provisions governing the appointment of an attorney in 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; revising provisions concerning the approval or rejection of the recommendations of a master of the juvenile court; authorizing a juvenile court to establish a restitution contribution fund; authorizing the waiver of all or part of any 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 juvenile court to appoint an attorney to represent a child
- 2 who is alleged to be delinquent or in need of supervision under certain
- 3 circumstances. If the parent or guardian of a child for whom the juvenile court has
- 4 appointed an attorney is not indigent, the parent or guardian is required to pay the
- 5 reasonable fees and expenses of the attorney. If the parent or guardian of the child
- 6 is indigent, the juvenile court may order the parent or guardian to reimburse the
- 7 county or State in accordance with the parent or guardian’s ability to pay.
- 8 (NRS 62D.030)
- 9 **Section 7** of this bill provides standards for determining whether the parent or
- 10 guardian of a child for whom the juvenile court has appointed an attorney is
- 11 required to pay for such legal representation or reimburse the county or State for



\* S B 2 6 R 1 \*

12 such legal representation. Under **section 7**, the juvenile court is required to find that  
13 the parent or guardian of a child is indigent if the parent or guardian: (1) receives  
14 public assistance, resides in public housing, has an income that is less than 200  
15 percent of the federally designated poverty standard, is incarcerated or is housed in  
16 a public or private mental health facility; or (2) is financially unable, without  
17 substantial hardship to the parent or guardian or his or her dependents, to obtain  
18 qualified and competent legal counsel.

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

41 **Section 5.5** of this bill revises the procedure by which a judge of the juvenile  
42 court approves or rejects the recommendations of a master of the juvenile court or  
43 directs a hearing de novo before the juvenile court.

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



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

2     176.064 1. If a fine, administrative assessment, fee or  
3     restitution is imposed upon a defendant pursuant to this chapter,  
4     whether or not the fine, administrative assessment, fee or restitution  
5     is in addition to any other punishment, and the fine, administrative  
6     assessment, fee or restitution or any part of it remains unpaid after  
7     the time established by the court for its payment, the defendant is  
8     liable for a collection fee, to be imposed by the court at the time it  
9     finds that the fine, administrative assessment, fee or restitution is  
10    delinquent, of:

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

13    (b) Not more than \$500, if the amount of the delinquency is  
14    \$2,000 or greater, but is less than \$5,000.

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

17    2. A state or local entity that is responsible for collecting a  
18    delinquent fine, administrative assessment, fee or restitution may, in  
19    addition to attempting to collect the fine, administrative assessment,  
20    fee or restitution through any other lawful means, take any or all of  
21    the following actions:

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

24    (b) Request that the court take appropriate action pursuant to  
25    subsection 3.

26    (c) Contract with a collection agency licensed pursuant to NRS  
27    649.075 to collect the delinquent amount and the collection fee. The  
28    collection agency must be paid as compensation for its services an  
29    amount not greater than the amount of the collection fee imposed  
30    pursuant to subsection 1, in accordance with the provisions of the  
31    contract.

32    3. The court may, on its own motion or at the request of a state  
33    or local entity that is responsible for collecting the delinquent fine,  
34    administrative assessment, fee or restitution, take any or all of the  
35    following actions, in the following order of priority if practicable:

36    (a) *Enter a civil judgment for the amount due in favor of the*  
37    *state or local entity that is responsible for collecting the delinquent*  
38    *fine, administrative assessment, fee or restitution. A civil judgment*  
39    *entered pursuant to this paragraph may be enforced and renewed*  
40    *in the manner provided by law for the enforcement and renewal of*  
41    *a judgment for money rendered in a civil action. If the court has*  
42    *entered a civil judgment pursuant to this paragraph and the*  
43    *person against whom the judgment is entered is not indigent and*  
44    *has not satisfied the judgment within the time established by the*  
45    *court, the person may be punished for contempt.*



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

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

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

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

32 (a) Except as otherwise provided in paragraph (d), if the money  
33 is collected by or on behalf of a municipal court, the money must be  
34 deposited in a special fund in the appropriate city treasury. The city  
35 may use the money in the fund only to develop and implement a  
36 program for the collection of fines, administrative assessments, fees  
37 and restitution.

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

44 (c) Except as otherwise provided in paragraph (d), if the money  
45 is collected by a state entity, the money must be deposited in an



1 account, which is hereby created in the State Treasury. The Court  
2 Administrator may use the money in the account only to develop  
3 and implement a program for the collection of fines, administrative  
4 assessments, fees and restitution in this State.

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

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

11 176.065 1. Except as otherwise provided in subsection 2,  
12 when a person is sentenced to both fine and imprisonment, or to pay  
13 a forfeiture in addition to imprisonment, the court may, pursuant to  
14 NRS 176.064, *or section 5 of this act*, order that the person be  
15 confined in the state prison, the city or county jail or a detention  
16 facility, whichever is designated in the person's sentence of  
17 imprisonment, for an additional period of 1 day for each \$75 of the  
18 amount until the administrative assessment and the fine or forfeiture  
19 are satisfied or the maximum term of imprisonment prescribed by  
20 law for the offense committed has elapsed, whichever is earlier, but  
21 the person's eligibility for parole is governed only by the person's  
22 sentence of imprisonment.

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

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

26 176.075 1. Except as otherwise provided in subsection 2,  
27 when a person is sentenced to pay a fine or forfeiture without an  
28 accompanying sentence of imprisonment, the court may, pursuant to  
29 NRS 176.064, *or section 5 of this act*, order that the person be  
30 confined in the city or county jail or detention facility for a period of  
31 not more than 1 day for each \$75 of the amount until the  
32 administrative assessment and the fine or forfeiture are satisfied.

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

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

37 *1. Except as otherwise provided in this subsection, if,*  
38 *pursuant to this title, a child or a parent or guardian of a child is*  
39 *ordered by the juvenile court to pay a fine, administrative*  
40 *assessment, fee or restitution or to make any other payment and*  
41 *the fine, administrative assessment, fee, restitution or other*  
42 *payment or any part of it remains unpaid after the time established*  
43 *by the juvenile court for its payment, the juvenile court may enter*  
44 *a civil judgment against the child or the parent or guardian of the*  
45 *child for the amount due in favor of the victim, the state or local*



1 *entity to whom the amount is owed or both. The juvenile court*  
2 *may not enter a civil judgment against a person who is a child*  
3 *unless the person has attained the age of 18 years, the person is a*  
4 *child who is determined to be outside the jurisdiction of the*  
5 *juvenile court pursuant to NRS 62B.330 or 62B.335, or the person*  
6 *is a child who is certified for proper criminal proceedings as an*  
7 *adult pursuant to NRS 62B.390.*

8 *2. Notwithstanding the termination of the jurisdiction of the*  
9 *juvenile court pursuant to NRS 62B.410 or the termination of any*  
10 *period of supervision or probation ordered by the juvenile court,*  
11 *the juvenile court retains jurisdiction over any civil judgment*  
12 *entered pursuant to subsection 1 and retains jurisdiction over the*  
13 *person against whom a civil judgment is entered pursuant to*  
14 *subsection 1. The juvenile court may supervise the civil judgment*  
15 *and take any of the actions authorized by the laws of this State.*

16 *3. A civil judgment entered pursuant to subsection 1 may be*  
17 *enforced and renewed in the manner provided by law for the*  
18 *enforcement and renewal of a judgment for money rendered in a*  
19 *civil action.*

20 *4. If the juvenile court enters a civil judgment pursuant to*  
21 *subsection 1, the person or persons against whom the judgment is*  
22 *issued is liable for a collection fee, to be imposed by the juvenile*  
23 *court at the time the civil judgment is issued, of:*

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

26 *(b) Not more than \$500, if the amount of the judgment is*  
27 *\$2,000 or greater, but is less than \$5,000.*

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

30 *5. In addition to attempting to collect the judgment through*  
31 *any other lawful means, a victim, a representative of the victim or*  
32 *a state or local entity that is responsible for collecting a civil*  
33 *judgment entered pursuant to subsection 1 may take any or all of*  
34 *the following actions:*

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

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

39 *(c) Contract with a collection agency licensed pursuant to NRS*  
40 *649.075 to collect the judgment and the collection fee. The*  
41 *collection agency must be paid as compensation for its services an*  
42 *amount not greater than the amount of the collection fee imposed*  
43 *pursuant to subsection 4, in accordance with the provisions of the*  
44 *contract.*



1       6. *If the juvenile court determines that a child or the parent*  
2 *or guardian of a child against whom a civil judgment has been*  
3 *entered pursuant to subsection 1 has failed to make reasonable*  
4 *efforts to satisfy the civil judgment, the juvenile court may take*  
5 *any of the following actions:*

6       (a) *Order the suspension of the driver's license of a child for a*  
7 *period not to exceed 1 year. If the child is already the subject of a*  
8 *court order suspending the driver's license of the child, the*  
9 *juvenile court may order the additional suspension to apply*  
10 *consecutively with the previous order. At the time the juvenile*  
11 *court issues an order suspending the driver's license of a child*  
12 *pursuant to this paragraph, the juvenile court shall require the*  
13 *child to surrender to the juvenile court all driver's licenses then*  
14 *held by the child. The juvenile court shall, within 5 days after*  
15 *issuing the order, forward to the Department of Motor Vehicles*  
16 *the licenses, together with a copy of the order. The Department of*  
17 *Motor Vehicles shall report a suspension pursuant to this*  
18 *paragraph to an insurance company or its agent inquiring about*  
19 *the driving record of a child, but such a suspension must not be*  
20 *considered for the purpose of rating or underwriting.*

21       (b) *If a child does not possess a driver's license, the juvenile*  
22 *court may prohibit the child from applying for a driver's license*  
23 *for a period not to exceed 1 year. If the child is already the subject*  
24 *of a court order delaying the issuance of a license to drive, the*  
25 *juvenile court may order any additional delay in the ability of*  
26 *the child to apply for a driver's license to apply consecutively with*  
27 *the previous order. At the time the juvenile court issues an order*  
28 *pursuant to this paragraph delaying the ability of a child to apply*  
29 *for a driver's license, the juvenile court shall, within 5 days after*  
30 *issuing the order, forward to the Department of Motor Vehicles a*  
31 *copy of the order.*

32       (c) *If the civil judgment was issued for a delinquent fine or*  
33 *administrative assessment, order the confinement of the person in*  
34 *the appropriate prison, jail or detention facility, as provided in*  
35 *NRS 176.065 and 176.075.*

36       (d) *Enter a finding of contempt against a child or the parent or*  
37 *guardian of a child and punish the child or the parent or guardian*  
38 *for contempt as provided in NRS 62E.040. A person who is*  
39 *indigent may not be punished for contempt pursuant to this*  
40 *subsection.*

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

44       8. *If the juvenile court:*

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



1 (b) *Transfers jurisdiction over the child pursuant to NRS*  
2 *62B.330 or 62B.335 or certifies the child for proper criminal*  
3 *proceedings as an adult pursuant to NRS 62B.390,*  
4 *↳ the civil judgment must include all unpaid fines, administrative*  
5 *assessments, fees, restitution or other payments ordered by the*  
6 *juvenile court which are associated with any other adjudications*  
7 *of delinquency by the juvenile court and the court to which the*  
8 *case is transferred or certified shall include satisfaction of any*  
9 *civil judgments against the child by the juvenile court in any*  
10 *sentence imposed on the child.*

11 **Sec. 5.5.** NRS 62B.030 is hereby amended to read as follows:

12 62B.030 1. The juvenile court may order a master of the  
13 juvenile court to:

- 14 (a) Swear witnesses.
- 15 (b) Take evidence.
- 16 (c) Make findings of fact and recommendations.
- 17 (d) Conduct all proceedings before the master of the juvenile  
18 court in the same manner as a district judge conducts proceedings in  
19 a district court.

20 2. Not later than 10 days after the evidence before a master of  
21 the juvenile court is closed, the master shall file with the juvenile  
22 court:

- 23 (a) All papers relating to the case;
- 24 (b) Written findings of fact; and
- 25 (c) Written recommendations.

26 3. A master of the juvenile court shall provide to the parent or  
27 guardian of the child, the attorney for the child, the district attorney,  
28 and any other person concerned, written notice of:

- 29 (a) The master's findings of fact;
- 30 (b) The master's recommendations;
- 31 (c) The right to object to the master's recommendations; and
- 32 (d) The right to request a hearing de novo before the juvenile  
33 court as provided in subsection ~~4.~~ 5.

34 4. After reviewing the recommendations of a master of the  
35 juvenile court and any objection to the master's recommendations,  
36 the *judge of the juvenile court shall ~~[-:] sign a written order to:~~*

37 (a) Approve the master's recommendations, in whole or in part,  
38 and order the recommended disposition; *or*

39 (b) Reject the master's recommendations, in whole or in part,  
40 and order such relief as may be appropriate. ~~[-or~~

41 ~~-(e) Direct a]~~

42 5. *An order issued pursuant to subsection 4 must provide*  
43 *notice that:*

44 (a) *The approval or rejection of the master's recommendations*  
45 *will not become effective until the judge of the juvenile court signs*





1 *a written order approving or rejecting the master's*  
2 *recommendations which must not be earlier than 6 days after the*  
3 *master provides notice of the master's recommendations pursuant*  
4 *to subsection 3; and*

5 (b) A hearing de novo before the juvenile court *may be ordered,*  
6 *and the master's recommendations will not be binding,* if, not later  
7 than 5 days after the master provides notice of the master's  
8 recommendations, a person who is entitled to such notice files with  
9 the juvenile court a request for a hearing de novo before the juvenile  
10 court.

11 ~~§~~ 6. A recommendation of a master of the juvenile court is  
12 not effective until expressly approved by the juvenile court as  
13 evidenced by the signature of a judge of the juvenile court.

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

15 62C.210 1. An agreement for informal supervision may  
16 require the child to:

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

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

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

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

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

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

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

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

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

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

42 2. If the agreement for informal supervision requires the child  
43 to participate in a program of restitution through work or complete a  
44 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 any community service which the juvenile court has*  
10 *ordered a child to perform.*

11 (b) *The juvenile court shall set forth in a written*  
12 *administrative order:*

13 (1) *A formula for determining the amount of the*  
14 *contribution to the restitution contribution fund pursuant to this*  
15 *section; and*

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

17 ↪ *The juvenile court shall make available for public inspection*  
18 *the written administrative order described in this paragraph.*

19 **2. The provisions of this section do not:**

20 (a) *Create a right on behalf of a child to the waiver of all or*  
21 *part of any community service to be performed by the child in*  
22 *exchange for a monetary contribution to a restitution contribution*  
23 *fund established pursuant to section 9 of this act; or*

24 (b) *Establish a basis for any cause of action against the State*  
25 *of Nevada or its officers or employees for denial of a waiver of all*  
26 *or part of any community service to be performed by a child in*  
27 *exchange for a monetary contribution to a restitution contribution*  
28 *fund established pursuant to section 9 of this act.*

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

30 62E.100 Except as otherwise provided in NRS 62E.100 to  
31 62E.300, inclusive:

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

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

39 (a) The juvenile court may issue any orders or take any actions  
40 set forth in NRS 62E.100 to 62E.300, inclusive, *and sections 9 and*  
41 *10 of this act* that the juvenile court deems proper for the disposition  
42 of the case; and

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



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

2       483.443 1. The Department shall, upon receiving notification  
3 from a district attorney or other public agency collecting support for  
4 children pursuant to NRS 425.510 that a court has determined that a  
5 person:

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

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

11       ↪ send a written notice to that person that his or her driver's license  
12 is subject to suspension.

13       2. The notice must include:

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

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

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

17       3. If a person who receives a notice pursuant to subsection 1  
18 does not, within 30 days after receiving the notice, comply with the  
19 subpoena or warrant or satisfy the arrearage as required in NRS  
20 425.510, the Department shall suspend the license without providing  
21 the person with an opportunity for a hearing.

22       4. The Department shall suspend immediately the license of a  
23 defendant if so ordered pursuant to NRS 176.064 ~~[1]~~ *or section 5 of*  
24 *this act.*

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

28       (a) A notice from the district attorney or other public agency  
29 pursuant to NRS 425.510 that the person has complied with the  
30 subpoena or warrant or has satisfied the arrearage pursuant to that  
31 section or from a district judge that a delinquency for which the  
32 suspension was ordered pursuant to NRS 176.064 *or section 5 of*  
33 *this act* has been discharged; and

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

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

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

42       483.460 1. Except as otherwise provided by specific statute,  
43 the Department shall revoke the license, permit or privilege of any  
44 driver upon receiving a record of his or her conviction of any of the  
45 following offenses, when that conviction has become final, and the



1 driver is not eligible for a license, permit or privilege to drive for the  
2 period indicated:

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

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

5 (2) A third or subsequent violation within 7 years of NRS  
6 484C.110 or 484C.120.

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

9 (4) A violation of NRS 484C.430 or a homicide resulting  
10 from driving or being in actual physical control of a vehicle while  
11 under the influence of intoxicating liquor or a controlled substance  
12 or resulting from any other conduct prohibited by NRS 484C.110,  
13 484C.130 or 484C.430.

14 ➤ The period during which such a driver is not eligible for a  
15 license, permit or privilege to drive must be set aside during any  
16 period of imprisonment and the period of revocation must resume  
17 when the Department is notified pursuant to NRS 209.517 or  
18 213.12185 that the person has completed the period of  
19 imprisonment or that the person has been placed on residential  
20 confinement or parole.

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

22 (1) Any other manslaughter, including vehicular  
23 manslaughter as described in NRS 484B.657, resulting from the  
24 driving of a motor vehicle or felony in the commission of which a  
25 motor vehicle is used, including the unlawful taking of a motor  
26 vehicle.

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

30 (3) Perjury or the making of a false affidavit or statement  
31 under oath to the Department pursuant to NRS 483.010 to 483.630,  
32 inclusive, or pursuant to any other law relating to the ownership or  
33 driving of motor vehicles.

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

36 (5) A second violation within 7 years of NRS 484C.110 or  
37 484C.120 and the driver is not eligible for a restricted license during  
38 any of that period.

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

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

42 2. The Department shall revoke the license, permit or privilege  
43 of a driver convicted of violating NRS 484C.110 or 484C.120 who  
44 fails to complete the educational course on the use of alcohol and  
45 controlled substances within the time ordered by the court and shall



1 add a period of 90 days during which the driver is not eligible for a  
2 license, permit or privilege to drive.

3 3. When the Department is notified by a court that a person  
4 who has been convicted of a first violation within 7 years of NRS  
5 484C.110 has been permitted to enter a program of treatment  
6 pursuant to NRS 484C.320, the Department shall reduce by one-half  
7 the period during which the person is not eligible for a license,  
8 permit or privilege to drive, but shall restore that reduction in time if  
9 notified that the person was not accepted for or failed to complete  
10 the treatment.

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

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

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

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

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

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

32 **Sec. 14.** 1. This act becomes effective upon passage and  
33 approval.

34 2. Section 12 of this act expires by limitation on the date on  
35 which the provisions of 42 U.S.C. § 666 requiring each state to  
36 establish procedures under which the state has authority to withhold  
37 or suspend, or to restrict the use of professional, occupational and  
38 recreational licenses of persons who:

39 (a) Have failed to comply with a subpoena or warrant relating to  
40 a proceeding to determine the paternity of a child or to establish or  
41 enforce an obligation for the support of a child; or



- 1 (b) Are in arrears in the payment for the support of one or more
- 2 children,
- 3 ↪ are repealed by the Congress of the United States.

Ⓢ



\* S B 2 6 R 1 \*