
SENATE BILL NO. 224—SENATORS CEGAVSKE;
HARDY AND MANENDO

MARCH 7, 2013

JOINT SPONSOR: ASSEMBLYWOMAN DONDERO LOOP

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing driving under the influence. (BDR 43-668)

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 driving under the influence; providing for the imposition and collection of a fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence or a lesser included offense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill requires a court to impose a fee of \$500, in addition to any other
2 administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty
3 but mentally ill or nolo contendere to, or is found guilty of, a charge of driving
4 under the influence of intoxicating liquor or a controlled substance that is
5 punishable as a misdemeanor or a lesser included offense. Under this bill, the
6 money collected for this fee is deposited with the State Controller for credit to a
7 special account in the State General Fund administered by the Office of Court
8 Administrator and money apportioned to a court from this fee must be used by the
9 court for certain purposes related to specialty court programs.



* S B 2 2 4 *

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

1 **Section 1.** Chapter 484C of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *If a defendant who is charged with a violation of NRS*
4 *484C.110 or 484C.120 that is punishable as a misdemeanor*
5 *pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400*
6 *pleads guilty, guilty but mentally ill or nolo contendere to, or is*
7 *found guilty or guilty but mentally ill of, that charge or a lesser*
8 *included offense, including, without limitation, a traffic violation,*
9 *arising from the same traffic episode, the justice or judge shall*
10 *include in the sentence, in addition to any other penalty or*
11 *administrative assessment provided by law, a fee of \$500 for the*
12 *provision of specialty court programs and render a judgment*
13 *against the defendant for the fee. If a defendant is sentenced to*
14 *perform community service in lieu of a fine, the sentence must*
15 *include the fee required pursuant to this subsection.*

16 2. *The money collected for the specialty courts fee must not*
17 *be deducted from any fine imposed by the justice or judge but must*
18 *be collected from the defendant in addition to the fine. The money*
19 *collected for such a fee must be stated separately on the court's*
20 *docket. If the justice or judge cancels a fine because the fine has*
21 *been determined to be uncollectible, any balance of the fine and*
22 *the specialty courts fee remaining unpaid shall be deemed to be*
23 *uncollectible and the defendant is not required to pay them. If a*
24 *fine is determined to be uncollectible, the defendant is not entitled*
25 *to a refund of any amount of the fine or fee that the defendant has*
26 *paid.*

27 3. *A justice or judge shall, if requested by a defendant, allow*
28 *a specialty courts fee to be paid in installments under terms*
29 *established by the justice or judge.*

30 4. *Any payments made by a defendant must be applied in the*
31 *following order:*

32 (a) *To pay the unpaid balance of an administrative assessment*
33 *imposed pursuant to NRS 176.059;*

34 (b) *To pay the unpaid balance of an administrative assessment*
35 *for the provision of court facilities pursuant to NRS 176.0611;*

36 (c) *To pay the unpaid balance of an administrative assessment*
37 *for the provision of specialty court programs pursuant to*
38 *NRS 176.0613;*

39 (d) *To pay the unpaid balance of the specialty courts fee*
40 *pursuant to this section; and*

41 (e) *To pay the fine.*



1 5. *The money collected for a specialty courts fee pursuant to*
2 *this section in municipal court must be paid by the clerk of the*
3 *court to the city treasurer on or before the fifth day of each month*
4 *for the preceding month. On or before the 15th day of that month,*
5 *the city treasurer shall deposit the money received for each*
6 *specialty courts fee with the State Controller for credit to a special*
7 *account in the State General Fund administered by the Office of*
8 *Court Administrator.*

9 6. *The money collected for a specialty courts fee pursuant to*
10 *this section in justice courts must be paid by the clerk of the court*
11 *to the county treasurer on or before the fifth day of each month*
12 *for the preceding month. On or before the 15th day of that month,*
13 *the county treasurer shall deposit the money received for each*
14 *specialty courts fee with the State Controller for credit to a special*
15 *account in the State General Fund administered by the Office of*
16 *Court Administrator.*

17 7. *Money that is apportioned to a court from specialty courts*
18 *fees pursuant to this section must be used by the court to:*

19 (a) *Pay for any level of treatment, including, without*
20 *limitation, psychiatric care, required for successful completion*
21 *and testing of persons who participate in the program; and*

22 (b) *Improve the operations of the specialty court program by*
23 *an combination of:*

24 (1) *Acquiring necessary capital goods;*

25 (2) *Providing for personnel to staff and oversee the*
26 *specialty court program;*

27 (3) *Providing training and education to personnel;*

28 (4) *Studying the management and operation of the*
29 *program;*

30 (5) *Conducting audits of the program;*

31 (6) *Providing for district attorney and public defender*
32 *representation;*

33 (7) *Acquiring or using appropriate technology;*

34 (8) *Providing capital for building facilities necessary to*
35 *house persons who participate in the program;*

36 (9) *Providing funding for employment programs for*
37 *persons who participate in the program; and*

38 (10) *Providing funding for statewide public information*
39 *campaigns necessary to deter driving under the influence of*
40 *intoxicating liquor or a controlled substance.*

41 8. *As used in this section:*

42 (a) *“Office of Court Administrator” means the Office of Court*
43 *Administrator created pursuant to NRS 1.320; and*

44 (b) *“Specialty court program” means a program established by*
45 *a court to facilitate testing, treatment and oversight of certain*



1 *persons over whom the court has jurisdiction and who the court*
2 *has determined suffer from a mental illness or abuses alcohol or*
3 *drugs. Such a program includes, without limitation, a program*
4 *established pursuant to NRS 176A.250 or 453.580.*

5 *(c) "Traffic violation" means conviction of a moving traffic*
6 *violation in any municipal court or justice court in this State.*

7 **Sec. 2.** NRS 176.0611 is hereby amended to read as follows:

8 176.0611 1. A county or a city, upon recommendation of the
9 appropriate court, may, by ordinance, authorize the justices or
10 judges of the justice or municipal courts within its jurisdiction to
11 impose for not longer than 50 years, in addition to the administrative
12 assessments imposed pursuant to NRS 176.059 and 176.0613, an
13 administrative assessment for the provision of court facilities.

14 2. Except as otherwise provided in subsection 3, in any
15 jurisdiction in which an administrative assessment for the provision
16 of court facilities has been authorized, when a defendant pleads
17 guilty or guilty but mentally ill or is found guilty or guilty but
18 mentally ill of a misdemeanor, including the violation of any
19 municipal ordinance, the justice or judge shall include in the
20 sentence the sum of \$10 as an administrative assessment for the
21 provision of court facilities and render a judgment against
22 the defendant for the assessment. If the justice or judge sentences
23 the defendant to perform community service in lieu of a fine, the
24 justice or judge shall include in the sentence the administrative
25 assessment required pursuant to this subsection.

26 3. The provisions of subsection 2 do not apply to:

27 (a) An ordinance regulating metered parking; or

28 (b) An ordinance that is specifically designated as imposing a
29 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

30 4. The money collected for an administrative assessment for
31 the provision of court facilities must not be deducted from the fine
32 imposed by the justice or judge but must be taxed against the
33 defendant in addition to the fine. The money collected for such an
34 administrative assessment must be stated separately on the court's
35 docket and must be included in the amount posted for bail. If bail is
36 forfeited, the administrative assessment included in the amount
37 posted for bail pursuant to this subsection must be disbursed in the
38 manner set forth in subsection 6 or 7. If the defendant is found not
39 guilty or the charges are dismissed, the money deposited with the
40 court must be returned to the defendant. If the justice or judge
41 cancels a fine because the fine has been determined to be
42 uncollectible, any balance of the fine and the administrative
43 assessment remaining unpaid shall be deemed to be uncollectible
44 and the defendant is not required to pay it. If a fine is determined to
45 be uncollectible, the defendant is not entitled to a refund of the fine



1 or administrative assessment the defendant has paid and the justice
2 or judge shall not recalculate the administrative assessment.

3 5. If the justice or judge permits the fine and administrative
4 assessment for the provision of court facilities to be paid in
5 installments, the payments must be applied in the following order:

6 (a) To pay the unpaid balance of an administrative assessment
7 imposed pursuant to NRS 176.059;

8 (b) To pay the unpaid balance of an administrative assessment
9 for the provision of court facilities pursuant to this section;

10 (c) To pay the unpaid balance of an administrative assessment
11 for the provision of specialty court programs pursuant to NRS
12 176.0613; ~~and~~

13 (d) *To pay the unpaid balance of the specialty courts fee*
14 *pursuant to section 1 of this act; and*

15 (e) To pay the fine.

16 6. The money collected for administrative assessments for the
17 provision of court facilities in municipal courts must be paid by the
18 clerk of the court to the city treasurer on or before the fifth day of
19 each month for the preceding month. The city treasurer shall deposit
20 the money received in a special revenue fund. The city may use the
21 money in the special revenue fund only to:

22 (a) Acquire land on which to construct additional facilities for
23 the municipal courts or a regional justice center that includes the
24 municipal courts.

25 (b) Construct or acquire additional facilities for the municipal
26 courts or a regional justice center that includes the municipal courts.

27 (c) Renovate or remodel existing facilities for the municipal
28 courts.

29 (d) Acquire furniture, fixtures and equipment necessitated by the
30 construction or acquisition of additional facilities or the renovation
31 of an existing facility for the municipal courts or a regional justice
32 center that includes the municipal courts. This paragraph does not
33 authorize the expenditure of money from the fund for furniture,
34 fixtures or equipment for judicial chambers.

35 (e) Acquire advanced technology for use in the additional or
36 renovated facilities.

37 (f) Pay debt service on any bonds issued pursuant to subsection
38 3 of NRS 350.020 for the acquisition of land or facilities or the
39 construction or renovation of facilities for the municipal courts or a
40 regional justice center that includes the municipal courts.

41 ➤ Any money remaining in the special revenue fund after 5 fiscal
42 years must be deposited in the municipal general fund for the
43 continued maintenance of court facilities if it has not been
44 committed for expenditure pursuant to a plan for the construction or
45 acquisition of court facilities or improvements to court facilities.



1 The city treasurer shall provide, upon request by a municipal court,
2 monthly reports of the revenue credited to and expenditures made
3 from the special revenue fund.

4 7. The money collected for administrative assessments for the
5 provision of court facilities in justice courts must be paid by the
6 clerk of the court to the county treasurer on or before the fifth day of
7 each month for the preceding month. The county treasurer shall
8 deposit the money received to a special revenue fund. The county
9 may use the money in the special revenue fund only to:

10 (a) Acquire land on which to construct additional facilities for
11 the justice courts or a regional justice center that includes the justice
12 courts.

13 (b) Construct or acquire additional facilities for the justice
14 courts or a regional justice center that includes the justice courts.

15 (c) Renovate or remodel existing facilities for the justice courts.

16 (d) Acquire furniture, fixtures and equipment necessitated by the
17 construction or acquisition of additional facilities or the renovation
18 of an existing facility for the justice courts or a regional justice
19 center that includes the justice courts. This paragraph does not
20 authorize the expenditure of money from the fund for furniture,
21 fixtures or equipment for judicial chambers.

22 (e) Acquire advanced technology for use in the additional or
23 renovated facilities.

24 (f) Pay debt service on any bonds issued pursuant to subsection
25 3 of NRS 350.020 for the acquisition of land or facilities or the
26 construction or renovation of facilities for the justice courts or a
27 regional justice center that includes the justice courts.

28 ➤ Any money remaining in the special revenue fund after 5 fiscal
29 years must be deposited in the county general fund for the continued
30 maintenance of court facilities if it has not been committed for
31 expenditure pursuant to a plan for the construction or acquisition of
32 court facilities or improvements to court facilities. The county
33 treasurer shall provide, upon request by a justice court, monthly
34 reports of the revenue credited to and expenditures made from the
35 special revenue fund.

36 8. If money collected pursuant to this section is to be used to
37 acquire land on which to construct a regional justice center, to
38 construct a regional justice center or to pay debt service on bonds
39 issued for these purposes, the county and the participating cities
40 shall, by interlocal agreement, determine such issues as the size of
41 the regional justice center, the manner in which the center will be
42 used and the apportionment of fiscal responsibility for the center.

43 **Sec. 3.** NRS 176.0613 is hereby amended to read as follows:

44 176.0613 1. The justices or judges of the justice or municipal
45 courts shall impose, in addition to an administrative assessment



1 imposed pursuant to NRS 176.059 and 176.0611, an administrative
2 assessment for the provision of specialty court programs.

3 2. Except as otherwise provided in subsection 3, when a
4 defendant pleads guilty or guilty but mentally ill or is found guilty
5 or guilty but mentally ill of a misdemeanor, including the violation
6 of any municipal ordinance, the justice or judge shall include in the
7 sentence the sum of \$7 as an administrative assessment for the
8 provision of specialty court programs and render a judgment against
9 the defendant for the assessment. If a defendant is sentenced to
10 perform community service in lieu of a fine, the sentence must
11 include the administrative assessment required pursuant to this
12 subsection.

13 3. The provisions of subsection 2 do not apply to:

14 (a) An ordinance regulating metered parking; or

15 (b) An ordinance which is specifically designated as imposing a
16 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

17 4. The money collected for an administrative assessment
18 for the provision of specialty court programs must not be deducted
19 from the fine imposed by the justice or judge but must be taxed
20 against the defendant in addition to the fine. The money collected
21 for such an administrative assessment must be stated separately on
22 the court's docket and must be included in the amount posted for
23 bail. If bail is forfeited, the administrative assessment included in
24 the bail pursuant to this subsection must be disbursed pursuant to
25 subsection 6 or 7. If the defendant is found not guilty or the charges
26 are dismissed, the money deposited with the court must be returned
27 to the defendant. If the justice or judge cancels a fine because the
28 fine has been determined to be uncollectible, any balance of the fine
29 and the administrative assessment remaining unpaid shall be
30 deemed to be uncollectible and the defendant is not required to pay
31 it. If a fine is determined to be uncollectible, the defendant is not
32 entitled to a refund of the fine or administrative assessment the
33 defendant has paid and the justice or judge shall not recalculate the
34 administrative assessment.

35 5. If the justice or judge permits the fine and administrative
36 assessment for the provision of specialty court programs to be paid
37 in installments, the payments must be applied in the following
38 order:

39 (a) To pay the unpaid balance of an administrative assessment
40 imposed pursuant to NRS 176.059;

41 (b) To pay the unpaid balance of an administrative assessment
42 for the provision of court facilities pursuant to NRS 176.0611;

43 (c) To pay the unpaid balance of an administrative assessment
44 for the provision of specialty court programs; ~~and~~



1 (d) *To pay the unpaid balance of the specialty courts fee*
2 *pursuant to section 1 of this act; and*

3 (e) To pay the fine.

4 6. The money collected for an administrative assessment for
5 the provision of specialty court programs in municipal court must be
6 paid by the clerk of the court to the city treasurer on or before the
7 fifth day of each month for the preceding month. On or before the
8 15th day of that month, the city treasurer shall deposit the money
9 received for each administrative assessment with the State
10 Controller for credit to a special account in the State General Fund
11 administered by the Office of Court Administrator.

12 7. The money collected for an administrative assessment for
13 the provision of specialty court programs in justice courts must be
14 paid by the clerk of the court to the county treasurer on or before the
15 fifth day of each month for the preceding month. On or before the
16 15th day of that month, the county treasurer shall deposit the money
17 received for each administrative assessment with the State
18 Controller for credit to a special account in the State General Fund
19 administered by the Office of Court Administrator.

20 8. The Office of Court Administrator shall allocate the money
21 credited to the State General Fund pursuant to subsections 6 and 7 to
22 courts to assist with the funding or establishment of specialty court
23 programs.

24 9. Money that is apportioned to a court from administrative
25 assessments for the provision of specialty court programs must be
26 used by the court to:

27 (a) Pay for the treatment and testing of persons who participate
28 in the program; and

29 (b) Improve the operations of the specialty court program by any
30 combination of:

31 (1) Acquiring necessary capital goods;

32 (2) Providing for personnel to staff and oversee the specialty
33 court program;

34 (3) Providing training and education to personnel;

35 (4) Studying the management and operation of the program;

36 (5) Conducting audits of the program;

37 (6) Supplementing the funds used to pay for judges to
38 oversee a specialty court program; or

39 (7) Acquiring or using appropriate technology.

40 10. As used in this section:

41 (a) "Office of Court Administrator" means the Office of Court
42 Administrator created pursuant to NRS 1.320; and

43 (b) "Specialty court program" means a program established by a
44 court to facilitate testing, treatment and oversight of certain persons
45 over whom the court has jurisdiction and who the court has



- 1 determined suffer from a mental illness or abuses alcohol or drugs.
- 2 Such a program includes, without limitation, a program established
- 3 pursuant to NRS 176A.250, 176A.280 or 453.580.
- 4 **Sec. 4.** This act becomes effective on July 1, 2013.

