

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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill requires a court to impose a fee of \$100, 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. If the fee of \$100 is not within a defendant's present
6 ability to pay, the justice or judge may require the equivalent community service to
7 be performed. Under this bill, the money collected for this fee is deposited with the
8 State Controller for credit to a special account in the State General Fund
9 administered by the Office of Court Administrator and money apportioned to a
10 court from this fee must be used by the court for certain purposes related to
11 specialty court programs. This bill allows the Office of Court Administrator to
12 accept money from gifts, grants and other sources to apportion to courts that
13 provide specialty court programs for those same purposes. This bill also requires a
14 court that provides a specialty court program to submit reports concerning the
15 program to the Office of Court Administrator.



* S B 2 2 4 R 3 *

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. *Except as otherwise provided in this section, if a defendant*
4 *who is charged with a violation of NRS 484C.110 or 484C.120 that*
5 *is punishable as a misdemeanor pursuant to paragraph (a) or (b)*
6 *of subsection 1 of NRS 484C.400 pleads guilty, guilty but mentally*
7 *ill or nolo contendere to, or is found guilty or guilty but mentally*
8 *ill of, that charge, the justice or judge shall include in the*
9 *sentence, in addition to any other penalty or administrative*
10 *assessment provided by law, a fee of \$100 for the provision of*
11 *specialty court programs and render a judgment against the*
12 *defendant for the fee. If a defendant is sentenced to perform*
13 *community service in lieu of a fine, the sentence must include the*
14 *fee required pursuant to this subsection.*

15 2. *If the fee pursuant to subsection 1:*

16 (a) *Is not within the defendant's present ability to pay, the*
17 *justice or judge may include in the sentence, in addition to any*
18 *other penalty or administrative assessment provided by law,*
19 *community service for a reasonable number of hours, the value of*
20 *which would be commensurate with the fee.*

21 (b) *Is not entirely within the defendant's present ability to pay,*
22 *the justice or judge may include in the sentence, in addition to any*
23 *other penalty or administrative assessment provided by law, a*
24 *reduced fee and community service for a reasonable number of*
25 *hours, the value of which would be commensurate with the*
26 *amount of the reduction of the fee.*

27 3. *The money collected for the specialty courts fee must not*
28 *be deducted from any fine imposed by the justice or judge but must*
29 *be collected from the defendant in addition to the fine. The money*
30 *collected for such a fee must be stated separately on the court's*
31 *docket. If the justice or judge cancels a fine because the fine has*
32 *been determined to be uncollectible, any balance of the fine and*
33 *the specialty courts fee remaining unpaid shall be deemed to be*
34 *uncollectible and the defendant is not required to pay them. If a*
35 *fine is determined to be uncollectible, the defendant is not entitled*
36 *to a refund of any amount of the fine or fee that the defendant has*
37 *paid.*

38 4. *A justice or judge shall, if requested by a defendant, allow*
39 *a specialty courts fee to be paid in installments under terms*
40 *established by the justice or judge.*

41 5. *Any payments made by a defendant must be applied in the*
42 *following order:*



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

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

5 (c) To pay the unpaid balance of an administrative assessment
6 for the provision of specialty court programs pursuant to
7 NRS 176.0613;

8 (d) To pay the unpaid balance of the specialty courts fee
9 pursuant to this section; and

10 (e) To pay the fine.

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

19 7. The money collected for a specialty courts fee pursuant to
20 this section in justice courts must be paid by the clerk of the court
21 to the county treasurer on or before the fifth day of each month
22 for the preceding month. On or before the 15th day of that month,
23 the county treasurer shall deposit the money received for each
24 specialty courts fee with the State Controller for credit to a special
25 account in the State General Fund administered by the Office of
26 Court Administrator.

27 8. Money that is apportioned to a court from specialty courts
28 fees pursuant to this section must be used by the court to:

29 (a) Pay for any level of treatment, including, without
30 limitation, psychiatric care, required for successful completion
31 and testing of persons who participate in the program; and

32 (b) Improve the operations of the specialty court program by
33 any combination of:

34 (1) Acquiring necessary capital goods;

35 (2) Providing for personnel to staff and oversee the
36 specialty court program;

37 (3) Providing training and education to personnel;

38 (4) Studying the management and operation of the
39 program;

40 (5) Conducting audits of the program;

41 (6) Providing for district attorney and public defender
42 representation;

43 (7) Acquiring or using appropriate technology;

44 (8) Providing capital for building facilities necessary to
45 house persons who participate in the program;



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

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

6 9. *The Office of Court Administrator may apply for and*
7 *accept any available grants and may accept any bequests, devises,*
8 *donations or gifts from any public or private source for the*
9 *provision of specialty court programs pursuant to this section.*

10 10. *A court that provides a specialty court program shall, as*
11 *required by the Office of Court Administrator, submit a report to*
12 *the Office of Court Administrator concerning the program. The*
13 *report must include:*

14 (a) *Demographic and statistical information concerning the*
15 *participants in the program, including, without limitation, the age,*
16 *gender, race and ethnicity of the participants;*

17 (b) *Statistical information concerning the operation of the*
18 *program, including, without limitation, the number of participants*
19 *in the program, the nature of the criminal charges that were filed*
20 *against participants, the number of participants who have*
21 *completed the program and the rate of recidivism among*
22 *participants; and*

23 (c) *Any other information required by the Office of Court*
24 *Administrator.*

25 ↪ *On or before January 1 of each odd-numbered year, the Office*
26 *of Court Administrator shall submit a copy of the report to the*
27 *Director of the Legislative Counsel Bureau.*

28 11. *As used in this section:*

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

31 (b) *“Specialty court program” means a program established by*
32 *a court to facilitate testing, treatment and oversight of certain*
33 *persons over whom the court has jurisdiction and who the court*
34 *has determined suffer from a mental illness or who abuse alcohol*
35 *or drugs. Such a program includes, without limitation, a program*
36 *established pursuant to NRS 176A.250 or 453.580.*

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

38 176.0611 1. A county or a city, upon recommendation of the
39 appropriate court, may, by ordinance, authorize the justices or
40 judges of the justice or municipal courts within its jurisdiction to
41 impose for not longer than 50 years, in addition to the administrative
42 assessments imposed pursuant to NRS 176.059 and 176.0613, an
43 administrative assessment for the provision of court facilities.

44 2. Except as otherwise provided in subsection 3, in any
45 jurisdiction in which an administrative assessment for the provision



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

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

12 (a) An ordinance regulating metered parking; or

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

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

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

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

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

40 (c) To pay the unpaid balance of an administrative assessment
41 for the provision of specialty court programs pursuant to NRS
42 176.0613; ~~and~~

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

45 (e) To pay the fine.



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

7 (a) Acquire land on which to construct additional facilities for
8 the municipal courts or a regional justice center that includes the
9 municipal courts.

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

12 (c) Renovate or remodel existing facilities for the municipal
13 courts.

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

20 (e) Acquire advanced technology for use in the additional or
21 renovated facilities.

22 (f) Pay debt service on any bonds issued pursuant to subsection
23 3 of NRS 350.020 for the acquisition of land or facilities or the
24 construction or renovation of facilities for the municipal courts or a
25 regional justice center that includes the municipal courts.

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

34 7. The money collected for administrative assessments for the
35 provision of court facilities in justice courts must be paid by the
36 clerk of the court to the county treasurer on or before the fifth day of
37 each month for the preceding month. The county treasurer shall
38 deposit the money received to a special revenue fund. The county
39 may use the money in the special revenue fund only to:

40 (a) Acquire land on which to construct additional facilities for
41 the justice courts or a regional justice center that includes the justice
42 courts.

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

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



1 (d) Acquire furniture, fixtures and equipment necessitated by the
2 construction or acquisition of additional facilities or the renovation
3 of an existing facility for the justice courts or a regional justice
4 center that includes the justice courts. This paragraph does not
5 authorize the expenditure of money from the fund for furniture,
6 fixtures or equipment for judicial chambers.

7 (e) Acquire advanced technology for use in the additional or
8 renovated facilities.

9 (f) Pay debt service on any bonds issued pursuant to subsection
10 3 of NRS 350.020 for the acquisition of land or facilities or the
11 construction or renovation of facilities for the justice courts or a
12 regional justice center that includes the justice courts.

13 ↪ Any money remaining in the special revenue fund after 5 fiscal
14 years must be deposited in the county general fund for the continued
15 maintenance of court facilities if it has not been committed for
16 expenditure pursuant to a plan for the construction or acquisition of
17 court facilities or improvements to court facilities. The county
18 treasurer shall provide, upon request by a justice court, monthly
19 reports of the revenue credited to and expenditures made from the
20 special revenue fund.

21 8. If money collected pursuant to this section is to be used to
22 acquire land on which to construct a regional justice center, to
23 construct a regional justice center or to pay debt service on bonds
24 issued for these purposes, the county and the participating cities
25 shall, by interlocal agreement, determine such issues as the size of
26 the regional justice center, the manner in which the center will be
27 used and the apportionment of fiscal responsibility for the center.

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

29 176.0613 1. The justices or judges of the justice or municipal
30 courts shall impose, in addition to an administrative assessment
31 imposed pursuant to NRS 176.059 and 176.0611, an administrative
32 assessment for the provision of specialty court programs.

33 2. Except as otherwise provided in subsection 3, when a
34 defendant pleads guilty or guilty but mentally ill or is found guilty
35 or guilty but mentally ill of a misdemeanor, including the violation
36 of any municipal ordinance, the justice or judge shall include in the
37 sentence the sum of \$7 as an administrative assessment for the
38 provision of specialty court programs and render a judgment against
39 the defendant for the assessment. If a defendant is sentenced to
40 perform community service in lieu of a fine, the sentence must
41 include the administrative assessment required pursuant to this
42 subsection.

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

44 (a) An ordinance regulating metered parking; or



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

3 4. The money collected for an administrative assessment
4 for the provision of specialty court programs must not be deducted
5 from the fine imposed by the justice or judge but must be taxed
6 against the defendant in addition to the fine. The money collected
7 for such an administrative assessment must be stated separately on
8 the court's docket and must be included in the amount posted for
9 bail. If bail is forfeited, the administrative assessment included in
10 the bail pursuant to this subsection must be disbursed pursuant to
11 subsection 6 or 7. If the defendant is found not guilty or the charges
12 are dismissed, the money deposited with the court must be returned
13 to the defendant. If the justice or judge cancels a fine because the
14 fine has been determined to be uncollectible, any balance of the fine
15 and the administrative assessment remaining unpaid shall be
16 deemed to be uncollectible and the defendant is not required to pay
17 it. If a fine is determined to be uncollectible, the defendant is not
18 entitled to a refund of the fine or administrative assessment the
19 defendant has paid and the justice or judge shall not recalculate the
20 administrative assessment.

21 5. If the justice or judge permits the fine and administrative
22 assessment for the provision of specialty court programs to be paid
23 in installments, the payments must be applied in the following
24 order:

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

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

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

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

33 (e) To pay the fine.

34 6. The money collected for an administrative assessment for
35 the provision of specialty court programs in municipal court must be
36 paid by the clerk of the court to the city treasurer on or before the
37 fifth day of each month for the preceding month. On or before the
38 15th day of that month, the city treasurer shall deposit the money
39 received for each administrative assessment with the State
40 Controller for credit to a special account in the State General Fund
41 administered by the Office of Court Administrator.

42 7. The money collected for an administrative assessment for
43 the provision of specialty court programs in justice courts must be
44 paid by the clerk of the court to the county treasurer on or before the
45 fifth day of each month for the preceding month. On or before the



1 15th day of that month, the county treasurer shall deposit the money
2 received for each administrative assessment with the State
3 Controller for credit to a special account in the State General Fund
4 administered by the Office of Court Administrator.

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

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

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

14 (b) Improve the operations of the specialty court program by any
15 combination of:

16 (1) Acquiring necessary capital goods;

17 (2) Providing for personnel to staff and oversee the specialty
18 court program;

19 (3) Providing training and education to personnel;

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

21 (5) Conducting audits of the program;

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

24 (7) Acquiring or using appropriate technology.

25 10. As used in this section:

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

28 (b) "Specialty court program" means a program established by a
29 court to facilitate testing, treatment and oversight of certain persons
30 over whom the court has jurisdiction and who the court has
31 determined suffer from a mental illness or abuses alcohol or drugs.
32 Such a program includes, without limitation, a program established
33 pursuant to NRS 176A.250, 176A.280 or 453.580.

34 **Sec. 4.** This act becomes effective on July 1, 2013, and expires
35 by limitation on June 30, 2015.

