

- 1) For each of the last two 2 fiscal years (FY2016 and FY2017), please indicate the total amount of money assessed and collected by your court for traffic fines, including, without limitation, fines relating to violations of laws relating to *vehicle registration, driver's licenses and motor vehicle insurance*. [Please do not include any administrative assessment fees imposed and collected or bail forfeiture in these numbers]
 - a. **FY2016 = \$5,491,416.28**
 - b. **FY2017 = \$5,518,079.86**
 - c. **FY2018 = \$5,132,176.12**
 - d. Of that total amount, how much was remitted to the State Treasury pursuant to NRS requiring all fines imposed and collected for a violation of a penal provision of NRS to be paid into the State Treasury? **None. The City files charges pursuant Henderson Municipal Code 8.02.010, Violation of a state law is a city misdemeanor. All monies are forwarded to the City of Henderson Finance Department.**

- 2) Please identify any fees that your court may charge in relation to a traffic offense, other than the administrative assessment fees. Please include a statement of:
 - a. What the fee is called;
 - i. **Time Payment Setup Fee (TPSF)**
 - ii. **Non-Sufficient Funds Fee (NSF)**
 - iii. **Fine Enforcement Fee (ENF)**
 - b. The purpose for which the fee is imposed;
 - i. **To offset some of the administrative costs associated with managing/monitoring payment files each month.**
 - ii. **To recoup any bank fees imposed as a result of an NSF check and to offset administrative costs for processing the NSF in the case.**
 - iii. **To offset any collections costs used by the court for internal efforts via public record database companies, to pay for collections staff salaries and to pay for collections fees for external collection agencies.**
 - c. The amount of the fee (provide a range, if appropriate);
 - i. **\$50.00 (TPSF)**
 - ii. **\$25.00 (NSF)**
 - iii. **\$100.00 (ENF)**
 - d. The legal authority for imposing the fee;
 - i. **Blackjack Bonding v. Las Vegas Municipal Court (Nevada Supreme Court #33345, 12/29/2000)**
 - ii. **Blackjack Bonding v. Las Vegas Municipal Court (Nevada Supreme Court #33345, 12/29/2000)**
 - iii. **NRS 176.064**
 - e. A breakdown of the amount of revenue collected for each type of fee for each of the last two fiscal years (FY2016 and FY2017); and
 - i. **FY2016 = \$264,491.50 (TPSF); \$3,712.00 (NSF); and, \$379,085.94 (ENF)**
 - ii. **FY2017 = \$263,642.45 (TPSF); \$3,625.00 (NSF); and, \$389,751.90 (ENF)**
 - iii. **FY2018 = \$250,156.00 (TPSF); \$3,975.00 (NSF); and, \$375,144.25 (ENF)**
 - f. For any fees assessed and collected that are not expressly authorized by NRS 176.059, 176.0611, 176.0613 or 176.0623, the order in which a partial payment is applied to the additional fees if an offender makes a partial payment (i.e. a statement of whether partial payments are applied to the additional fees before or after the statutory fines and administrative assessments are satisfied).
 - i. **An imposed Time Payment Setup Fee is collected first, then AA and fine.**
 - ii. **If the NSF fee is added, then the fee is collected first on next payment.**
 - iii. **If Enforcement Fee is imposed, then that fee is collected first and followed by AA and fine.**
 - iv. **Comment: Upon review of the various NRS related to fines, administrative assessments, and collections; we were unable to locate language governing the collection order of fees imposed outside those expressly authorized.**

- 3) For each of the last two fiscal years (FY2016 and FY2017), please indicate how much revenue your court has collected from bail forfeitures for traffic offenses.

- a. Pursuant to our case management setup/design, monies posted as “bail” on converted to “fines” and are reported in the figures presented in Question #1.
 - b. To what governmental entity or entities have the bail forfeitures been remitted and to which governmental fund have the bail forfeitures been deposited? **City of Henderson General Fund.**
- 4) Do you have a fine and/or bail schedule, which has either been created internally or provided by a district or city attorney's office or otherwise, for traffic offenses that provides guidance as to the amount of the fine, whether a set amount or a range? If so, please provide a copy of that fine and/or bail schedule.
- a. **The Court sets the bail schedule for all offenses unless statutorily required. Bail for traffic offenses is generally set at the possible fine amount; however the judge always has the right to impose any amount allowed for a misdemeanor offense.**
- 5) Does your court or your county or city, as applicable, utilize an outside collection agency to collect fines and fees? If so, please identify the name of the collection agency or agencies utilized over the last two fiscal years (FY2016 and FY2017).
- a. **TSI**
- 6) Does the court and/or collection agency distinguish between first party and third party collections?
- a. **Yes, the Court is the first party collector and any contracted collection agency would be the third party collector.**
- 7) Over the last 5 fiscal years (FY13, FY14, FY15, FY16 and FY17), what is the internal collection rate for fines/fees assessed? **[Internal collection rate is calculated by adding the Fines/AA/Fees Imposed each month for “Total Imposed”; adding the Total Revenue Collected and Non-Monetary Totals (i.e. Work Program credits, Credit for Time Served, Sentence Modified, etc.) to get the “Adjusted Revenue”. The two totals are divided to identify the collection rate.]**
- a. What is the collection rate for fines/fees in first party collections?
 - i. **FY13 – FY15: Data not available.**
 - ii. **FY16 = 102%**
 - iii. **FY17 = 116%**
 - iv. **FY18 = 120%**
 - b. What is the collection rate for fines/fees in third party collections?
 - i. **FY13 – FY15: Data not available.**
 - ii. **FY16 = 12.4%**
 - iii. **FY17 = 10%**
 - iv. **FY18 = 13%**
- 8) Does your court conduct an assessment at any point to determine whether a fine is uncollectible such that the fine may be cancelled pursuant to NRS 176.059(3)?
- a. If yes, what criteria is used to make this determination?
 - i. **Fines may be declared uncollectible once the active warrant for failure to pay exceeds 7-years of inactivity. If so, the Court has a warrant purge process where the judges vacates the remaining outstanding fine/fee balance and the case is closed.**
 - b. What amount of unpaid fines/fees have been deemed by the court to be uncollectible over the past two fiscal years (FY 16 and FY 17)?
 - i. **None.**
- 9) NRS 176.085 authorizes the court to direct payment of fines/administrative assessment fees in installments if the amount due is not "within the defendant's present ability to pay." Does your court allow defendants to pay in installments? **YES.**
- a. What criteria does your court use to determine whether the amount due is "within the defendant's present ability to pay"? **A determination is made after a colloquy between the Judge and the defendant in court and/or review of written application.**

- 10) If payment in installments is directed or authorized, does your court charge a fee to enter into a payment plan? If so:
- What is the amount of the fee? **\$50.00**
 - Is the fee imposed per case? **The fee is added to one case per defendant when the payment plan is imposed. If a defendant has multiple active cases, the payment plan is imposed for each. The court collects all fees/fines on the oldest case first and then moves to the next oldest case.**
 - Is the fee imposed per offense? **NO.**
- 11) If offenders choose to perform community service to satisfy traffic fines/fees, how much money is credited for each hour of community service performed? Please indicate a range if the amount differs among the judges of your court. **Each offender is credited with \$10.00 per hour worked.**
- Does your court require court authorization before a defendant may perform community service to satisfy traffic fines/fees? **Yes, a judge must approve community service for an offender via a Gilbert Hearing.**
- 12) How much money is credited towards traffic fines/fees for each day of incarceration? Please indicate a range if the amount differs among judges. **\$100.00 per day is credited.**
- Does your court make a determination as to whether the defendant is indigent before imposing any incarceration in lieu of payment? **YES.**
 - If so, what criteria is used to determine whether a defendant is indigent? **A colloquy between the Judge and the defendant in court.**
- 13) Does your court distinguish between warrants issued for failure to appear and failure to pay? **YES.**
- Does your court consider a failure to make a payment when due as a failure to make an appearance? **NO.**
 - Does your court consider a failure to make a payment when due as a failure to pay? **YES.**
 - How many warrants were issued over the last two fiscal years (FY 16 and FY 17) for failure to appear?
 - FY16 = 2,206**
 - FY17 = 2,437**
 - FY18 = 2,532**
 - How many warrants were issued over the past two fiscal years (FY 16 and FY 17) for failure to pay?
 - FY16 = 4,331**
 - FY17 = 4,643**
 - FY18 = 4,277**
- 14) Do the judges in your court engage in ex parte settlement discussion with defendants and/or their attorneys as permitted under Judicial Ethics Opinion JE 15-003 (2015)? If so, please provide a copy of any traffic settlement matrices provided to your judges by the prosecuting agency. **No. All traffic negotiation requests are forward to the City Attorney's Office/Criminal Division for processing. Upon receipt of a proposed negotiation, then the case judge reviews and either approves or denies the proposal.**
- 15) Does your court or do your judges believe there is an unreasonable delay between the time a traffic citation is issued to an offender and the time the citing agency provides the citation to the court? **The Court is able to acquire citations very quickly due to the electronic transmission of citations via the Brazos system. Internally, we have asked our Police Department to use a 4-week turnaround from date of issue to next available court date to expedite the case flow. Receiving citations from other jurisdictions using the Brazos product is also timely; however, the parties need to discuss reducing the time between date issued and court date scheduled by the issuing officer.**
- If so, do you have a suggestion as to how quickly those citations should be transmitted to the court? **Electronically is the most efficient system. If the technology is in place, then the office issues the citation and the data is synched and uploaded (should be uploaded by the end of the shift). If an internal department review of the citation is required, then the uploaded citation should be reviewed within 24-hours and then uploaded electronically to the Court's case management system. An**

electronically created citation should take no longer than 48-72 hours for issue to filing with the Court.

- 16) Does your court have a contract with a collection agency to collect unpaid fines, fees and administrative assessments? If so, please provide a copy of the contract. **Expired contract. (TSI)**
- 17) Please provide the name and contact information of a person that the Committee may contact with follow-up questions. **Bill Zihlmann, Court Administrator 702.267.3333 Bill.Zihlmann@cityofhenderson.com**