

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (702) 687-5962



LORNE J. MALKIEWICH, Director  
(702) 687-6800

*[\*] Amounts Verified*

LEGISLATIVE COMMISSION (702) 687-6800  
RANDOLPH J. TOWNSEND, Senator, Chairman  
Lorne J. Malkiewich, Director, Secretary

INTERIM FINANCE COMMITTEE (702) 687-6821  
WILLIAM J. RAGGIO, Senator, Chairman  
Daniel G. Miles, Fiscal Analyst  
Mark W. Stevens, Fiscal Analyst

Wm. GARY CREWS, Legislative Auditor (702) 687-6815  
ROBERT E. ERICKSON, Research Director (702) 687-6825  
BRENDA J. ERDOES, Legislative Counsel (702) 687-6830

**MEMORANDUM**

DATE: February 18, 1997 *[\*]*  
TO: Members of the Assembly Committee on Judiciary  
FROM: Juliann K. Jenson, Senior Research Analyst *JKJ*  
SUBJECT: Administrative Assessments, Fines, and Filing Fees

On behalf of the Assembly Committee on Judiciary, Assemblyman Bernie Anderson, Committee Chairman, requested information on the state court system. More specifically, a description of the various court filing fees, fines, and administrative assessments relating to the judiciary was requested.

**ADMINISTRATIVE ASSESSMENTS**

In general, *Nevada Revised Statutes* (NRS) 176.059 through 176.085 address the major aspects of administrative assessments and fines. This includes the collection, distribution, and limitations on use. As implied by the statutory language, the purpose of assessments is to support the administration and services of the court, as well as other related activities. Administrative assessments are based on the amount of fine imposed for the violation.

**Schedule and Distribution Formula**

There are two major types of administrative assessments based on the kind of crime committed: (1) misdemeanor; or (2) felony or gross misdemeanor. Other assessments may be imposed for specific crimes and for the improvement of court facilities in certain counties.

**Misdemeanor Assessments**

The schedule and distribution formula for administrative assessments related to misdemeanors, including the violation of any municipal ordinance, is found in NRS 176.059. The assessments do not apply to any ordinances regulating metered parking or designating civil penalties.

*E 10A 7*

ASSEMBLY JUDICIARY  
DATE: *2/18/03* ROOM 3138 EXHIBIT *E*  
SUBMITTED BY: *Chairman Anderson*

The following administrative assessment fees for misdemeanors are set by statute (NRS 176.059):

<b>Fine</b>	<b>Assessment</b>
\$ 4 to 49	\$ 10
50 to 59	25
60 to 69	30
70 to 79	35
80 to 89	40
90 to 99	45
100 to 199	55
200 to 299	65
300 to 399	75
400 to 499	85
500 to 1,000	100

Administrative assessments are distributed based on a detailed formula specified in subsections 5 through 8 of NRS 176.059. A small portion of the assessments collected in municipal or justices' courts is apportioned to the county general fund for the use of the juvenile and municipal courts. The remainder of each assessment collected is distributed to a special account in the State General Fund.

Of the amount that goes to the State General Fund, 51 percent of the funds go to the Office of the Court Administrator (Administrative Office of the Courts). The 51 percent is then divided as follows:

- 18½ percent to the Court Administrator for administration of the courts;
- 9 percent for the development of uniform judicial records;
- 9 percent for continuing judicial education;
- 60 percent for the Supreme Court; and
- 3½ percent to pay for the services of retired judges.

The remaining 49 percent must be used for the following, although the law does not mandate a division by percentage:

- Central Repository for Nevada Records of Criminal History;
- Peace Officers' Standards and Training Committee;

E 2017

- Nevada Highway Patrol (NHP) for computerized switching systems related to law enforcement; and
- Fund for the Compensation of Victims of Crime.

### *Gross Misdemeanor and Felony Assessments*

For felonies and gross misdemeanors, NRS 176.062 requires the district court judge to impose an administrative assessment of \$25 against the defendant. Five dollars of the assessment is credited to the county general fund for use by the district court, and the remainder is deposited with the State Treasurer for credit to the special account for the assistance of criminal justice in the State General Fund. This money is distributed to the Attorney General as authorized by the Legislature.

### *Other Miscellaneous Administrative Assessments*

As stated earlier, additional assessments may be imposed for the improvement of court facilities. Further, upon the commission of certain crimes, individuals may be subject to increased assessments.

#### Administrative Assessment for Court Facilities

*Nevada Revised Statutes* 176.0611 authorizes a county with a population of 400,000 or more (Clark County), or a city located within such a county, to impose a \$10 administrative assessment for the provision of court facilities, including the acquisition of land, construction of new court facilities, renovation or remodeling of existing court facilities, acquisition of advanced technology, and payment of specified debt service. The assessment must be imposed on each defendant who pleads or is found guilty of a misdemeanor. The bill also includes certain restrictions regarding the imposition and collection of the assessment.

#### Graffiti

Pursuant to NRS 206.340, a person who violates the state graffiti law shall pay an administrative assessment of \$250 for each violation. The money is credited to the graffiti reward fund, which operates to provide rewards to people who provide information leading to the conviction of a person who unlawfully places graffiti.

#### Juveniles

Under NRS 62.223, the juvenile court is required to impose an administrative assessment of \$10 whenever a juvenile is fined for a violation of the juvenile laws.

The attachment to this memorandum, provided by the Office of Court Administrator, shows the amount of administrative assessments, broken down by justice and municipal courts, collected for Fiscal Years (FY) 1993 through 1996. These charts also include distribution of such funds. As you can see, municipal and justice courts collected over \$15 million in assessment fees for FY 1996.

## FINES

Fines are imposed by a judge and are considered to be punitive. Fines are usually based on the seriousness of the offense and while fines serve to compensate the community, they are not based on the actual costs of the crime. Most fines are based on preset minimum or maximum amounts that can be ordered. As a result, the range of fines varies widely, depending upon the crime or violation.

Fines may be imposed in addition to other criminal sanctions, including imprisonment, or as a condition of probation. While the former is subject to enforcement in civil courts or in contempt proceedings, the latter is enforced through probation revocation hearings. The collection of fines is a problem for courts across the United States. For example, there are problems with the mechanisms in place to collect the funds. Also, it is the perception among judges and court managers in many jurisdictions that their own localities are economically depressed and that many traffic and criminal defendants are unable to pay fines and fees, particularly in cases involving a mandatory fine or jail sentence. Therefore, fines are often not uniformly imposed or aggressively enforced.

### Collection and Distribution of Fines in Nevada

In Nevada, it was determined through a 1995 Audit Report<sup>1</sup> of the State court systems, conducted by the Legislative Auditor, that significant and widespread management control weaknesses exist within the court system. Millions of dollars in state fines and assessments were reported to have gone uncollected, and millions more may have been improperly distributed. Additionally, it was recommended that courts establish internal controls to ensure that the money collected from fines is safeguarded from misuse.

The distribution of fines in Nevada is affected by the way the money is collected. For example, if the payment is considered a fine, it must go to the State, but if it is considered a forfeiture of bail, it must go to the counties. In addition, if the citation is considered a violation of a state traffic law, the fine must go the State, but if it is considered a violation of a local traffic ordinance, it goes to the local government. State fines are earmarked for educational purposes.

---

<sup>1</sup> *Audit Report: Nevada Judicial Branch of Government Administrative Oversight of the State Court System;* Nevada State Legislative Auditor, 1995.

Unlike administrative assessments, no agency comprehensively collects data relating to fines. However, the 1995 audit, referenced above, reported that Nevada justice and municipal courts collected \$6.7 million in fines from citations issued by the NHP for 1993. Using a similar formula based on information provided by Major Levine of the NHP (687-3314), it can be estimated that approximately \$8.3 million was collected in 1996. Both figures do not include fines collected through criminal cases.

## FILING FEES

Filing fees are another tool the courts use to generate money for operational support. Fees are most often imposed for services rendered. However, fees can also be earmarked for specific purposes. For example, a portion of marriage license fees is allocated for victims of domestic violence, and legal services are supported, in part, by court filing fees. The following provides an overview of the various fees imposed by the courts. As with fines, no comprehensive data is available relating to the collection of filing fees.

### Supreme Court Fees

A Supreme Court clerk, as authorized by NRS 2.250, may collect \$100 for every appeal or special proceeding referred to the Supreme Court. An additional \$30 may be collected for the pamphlets of Supreme Court decisions for each fiscal year. The fee is reduced to \$15 for a six-month decision period. These fees must be deposited with the State Treasurer.

### District Court Fees

Pursuant to NRS 19.013, each county clerk must charge a fee of \$56 upon the commencement of any civil action in district court. This fee is to pay for the services of the county clerk. This money is deposited with the county treasurer.

Under NRS 19.020, at the time of commencement of a civil action the plaintiff must pay an additional \$3 as court fees. *Nevada Revised Statutes* 19.030 requires the county clerk to charge \$32 against the party commencing any civil action. This fee is paid to the county treasurer who remits the money quarterly to the State Treasurer to be placed in the State General Fund.

Pursuant to NRS 19.031, an additional fee of \$25 must be collected from the commencing or appearing party in each county in which legal services are provided, without charge to indigent or elderly persons. If the case is commenced pursuant to Chapter 125 (Divorce), then the fee is \$14 rather than \$25. These fees are eventually paid to the organization providing free legal services to the indigent or elderly.

In Clark and Washoe Counties, an additional \$5 is collected to support certain mandatory alternative dispute resolution programs. In the other counties, the board of county commissioners

E 507

is authorized to impose a \$5 fee for the support of a dispute resolution program. An additional \$5 fee is also charged to support programs of arbitration.

Finally, pursuant to NRS 19.070, no other fees may be charged than those described above.

Attached is a copy of the official fees from Washoe County District Court, as prescribed by statute.

### Justice Court Fees

Justice court fees are imposed pursuant to NRS 4.060, and individuals are charged fees for accessing a variety of court services, ranging from copying to the filing of affidavits. For your review, I have enclosed a document from the Reno Justice Court, outlining the various fees prescribed by the referenced statute. Fees are deposited with the county treasurer, with half of the bail or property bond fees deposited with the State Treasurer for compensation of crime victims.

Like the district court, justice courts in counties larger than 100,000 are required to impose a \$5 mediation fee. An additional \$1 census fee is also required, regardless of the county population.

### Municipal Courts

Municipal courts are not statutorily granted the authority to collect fees. These courts, however, impose fines and administrative assessments. The exception to this rule is the fee for analysis of controlled substances, described below.

#### *Chemical Analysis and Dangerous Drug Fees*

Pursuant to NRS 453.575, a chemical analysis fee is imposed on defendants who plead or who are found guilty of a controlled substance offense. In such cases, the justice or judge, of any court, must impose a \$60 fee for the analysis of controlled substances. This fee is also imposed for those found guilty of driving under the influence of intoxicating liquor or a controlled substance.

Those defendants found guilty of a poison or dangerous drug crime may be subject to a \$50 fee if an analysis of a dangerous drug was performed in relation to the case. These fees are used to cover the costs of such tests.

## CONCLUDING REMARKS

Enclosed for your consideration are the following documents:

- Overview of the measures regarding court ordered fines and administrative assessments that were introduced during the last three sessions; and
- Executive Summary from the Legislative Auditor Audit Report entitled *Nevada Judicial Branch of Government Administrative Oversight of the State Court System*, from 1995.

If you would like additional assistance, please contact me.

JKJ/st:W70749.03

Enc.

E 7 of 7