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AB 242 - Figure 1

NRS 176.059 Administrative assessment for misdemeanor:

Administrative Assessment Proposals

Fine	NRS 176.059		NRS 176.0611		AB 242		AB29		Proposal	
		Assessment	w / Facility fee	Proposed \$10 AA increase	Specialty Court AA (\$15.00 increase)	Specialty Court AA (\$5.00 increase)				
\$ 5 to \$ 49	\$ 15.00	30.6%	\$ 25.00	71.4%	\$ 50.00	\$ 40.00	\$ 40.00	102.0%	\$ 40.00	81.6%
\$ 50	\$ 30.00	50.8%	\$ 40.00	84.7%	\$ 65.00	\$ 55.00	\$ 55.00	110.2%	\$ 55.00	93.2%
\$ 60	\$ 35.00	50.7%	\$ 45.00	79.7%	\$ 70.00	\$ 60.00	\$ 60.00	101.4%	\$ 60.00	87.0%
\$ 70	\$ 40.00	50.6%	\$ 50.00	75.9%	\$ 75.00	\$ 65.00	\$ 65.00	94.9%	\$ 65.00	82.3%
\$ 80	\$ 45.00	50.6%	\$ 55.00	73.0%	\$ 80.00	\$ 70.00	\$ 70.00	89.9%	\$ 70.00	78.7%
\$ 90	\$ 50.00	50.5%	\$ 60.00	70.7%	\$ 85.00	\$ 75.00	\$ 75.00	85.9%	\$ 75.00	75.8%
\$ 100	\$ 60.00	30.2%	\$ 70.00	40.2%	\$ 95.00	\$ 80.00	\$ 80.00	47.7%	\$ 85.00	42.7%
\$ 200	\$ 70.00	23.4%	\$ 80.00	30.1%	\$ 105.00	\$ 90.00	\$ 105.00	35.1%	\$ 95.00	31.8%
\$ 300	\$ 80.00	20.1%	\$ 90.00	25.1%	\$ 115.00	\$ 100.00	\$ 105.00	28.8%	\$ 105.00	26.3%
\$ 400	\$ 90.00	18.0%	\$ 100.00	22.0%	\$ 125.00	\$ 110.00	\$ 115.00	25.1%	\$ 115.00	23.0%
\$ 500	\$ 105.00	10.5%	\$ 115.00	12.5%	\$ 140.00	\$ 125.00	\$ 130.00	14.0%	\$ 130.00	13.0%

\* Percentages taken on the upper fee limit

ASSEMBLY JUDICIARY

DATE: 3/14/03 ROOM: 3138 EXHIBIT 6

SUBMITTED BY: RON TITUS

1054

AB 242 - Figure 2

Current and proposed assessments on fines taken from bail schedules (February 2003)

	Eureka County Justice Courts	City of Las Vegas Muni Court	AAAs of fine increase	AAAs % of fine increase	AAAs/ Fine % increase	Lincoln County Justice Courts	AAAs of fine increase	AAAs/ Fine % increase	Reno/ Sparks Justice Courts	AAAs of fine increase	AAAs/ Fine % increase
<b>Basic Speed</b> (8 miles over posted)											
Fine	\$ 80.00	\$ 100.00				\$ 45.00			\$ 45.00		
Current Assessments (AA + facility fee)	\$ 55.00	\$ 70.00	69%	70%		\$ 25.00	56%		\$ 25.00	56%	
Total	\$ 135.00	\$ 170.00				\$ 70.00			\$ 70.00		
AB 242 proposed \$10 AA increase	\$ 65.00	\$ 80.00	81%	80%	14%	\$ 35.00	78%	40%	\$ 35.00	78%	40%
Total	\$ 145.00	\$ 180.00	7%		6%	\$ 80.00		14%	\$ 80.00		14%
<b>Pedestrian Right of Way</b>											
Fine	\$ 25.00	\$ 200.00				\$ 45.00			\$ 100.00		
Current Assessments (AA + facility fee)	\$ 25.00	\$ 80.00	100%	40%		\$ 25.00	56%		\$ 70.00	70%	
Total	\$ 50.00	\$ 280.00				\$ 70.00			\$ 170.00		
AB 242 proposed \$10 AA increase	\$ 35.00	\$ 90.00	140%	45%	13%	\$ 35.00	78%	40%	\$ 80.00	80%	14%
Total	\$ 60.00	\$ 290.00	20%		4%	\$ 80.00		14%	\$ 180.00		6%
<b>DUI (first offense)</b>											
Fine	\$ 500.00	\$ 2,000.00				\$ 800.00			\$ 560.00		
Current Assessments (AA + facility fee)	\$ 115.00	\$ 115.00	23%	6%		\$ 115.00	14%		\$ 115.00	21%	
Total	\$ 615.00	\$ 2,115.00				\$ 915.00			\$ 675.00		
AB 242 proposed \$10 AA increase	\$ 125.00	\$ 125.00	25%	6%	9%	\$ 125.00	16%	9%	\$ 125.00	22%	9%
Total	\$ 625.00	\$ 2,125.00	2%		0%	\$ 925.00		1%	\$ 685.00		1%
<b>Reckless driving no injuries</b>											
Fine	\$ 1,000.00	\$ 1,000.00				\$ 1,000.00			\$ 350.00		
Current Assessments (AA + facility fee)	\$ 115.00	\$ 115.00	12%	12%		\$ 115.00	12%		\$ 90.00	26%	
Total	\$ 1,115.00	\$ 1,115.00				\$ 1,115.00			\$ 440.00		
AB 242 proposed \$10 AA increase	\$ 125.00	\$ 125.00	13%	13%	9%	\$ 125.00	13%	9%	\$ 100.00	29%	11%
Total	\$ 1,125.00	\$ 1,125.00	1%		1%	\$ 1,125.00		1%	\$ 450.00		2%
<b>Disturbing the Peace</b>											
Fine	\$ 200.00	\$ 500.00				\$ 500.00			\$ 100.00		
Current Assessments (AA + facility fee)	\$ 80.00	\$ 115.00	40%	23%		\$ 115.00	23%		\$ 70.00	70%	
Total	\$ 280.00	\$ 615.00				\$ 615.00			\$ 170.00		
AB 242 proposed \$10 AA increase	\$ 90.00	\$ 125.00	45%	25%	9%	\$ 125.00	25%	9%	\$ 80.00	80%	14%
Total	\$ 290.00	\$ 625.00	4%		2%	\$ 625.00		2%	\$ 180.00		6%

6284

# AB 242 - Figure 3

## Proposed AB 242 Administrative Assessment Increase

<b>Summary:</b>			
\$10.00 administrative assessment		51% percent for office of court administrator	
		49% percent for general fund	
<b>Revenue Estimates:</b>			
# of AA's in FY00 =	459,773	# of AA's estimated for FY04 & FY05 =	477,965
# of AA's in FY01 =	490,939		
# of AA's in FY02 =	477,965	<b>Total Revenue per Year @ \$10 per fee =</b>	<b>\$ 4,779,650</b>
		51% percent for office of court administrator	<b>\$ 2,437,622</b>
		49% percent for general fund	<b>\$ 2,342,029</b>

Note: If the \$5 is allocated per existing statute, the following would result:

		Add'l AA's Per BDR-613	FY02 Shortfall	FY03 Shortfall	Combined Shortfall
AOC =	18.5%	\$ 450,960	\$ 111,851	\$ 208,930	\$ 320,781
USJR=	9.0%	\$ 219,386	\$ 54,414	\$ 101,642	\$ 156,056
Judicial Ed	9.0%	\$ 219,386	\$ 54,414	\$ 101,642	\$ 156,056
Supreme Court	60.0%	\$ 1,462,573	\$ 362,759	\$ 677,612	\$ 1,040,371
Ret. Justice Duty	3.5%	\$ 85,317	\$ 21,161	\$ 39,528	\$ 60,689
<b>Total Annual Revenue from BDR-613</b>		<b>\$ 2,437,622</b>	<b>\$ 604,599</b>	<b>\$ 1,129,354</b>	<b>\$ 1,733,953</b>

G 304

## AB 242 Proposed Amendments

1) The new language in Section 1 states **"If the justice or judge sentences the defendant to imprisonment or to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection."** In drafting this language it was assumed that the days a defendant is sentenced to jail was proportional to the amount of the fine. This apparently is not so in most cases, and it would be difficult and time consuming for judges, especially in the fast moving courts, to calculate or assign a value to this jail time. Therefore we suggest striking the words **"to imprisonment or"** from line 14 on page 2 of AB 242.

2) The new language in section 1, the language discussed above, implies that the administrative assessment cannot be worked off. Thus, for consistency, this section should be included in NRS 176.0611, the facility assessment section, and could read as follows: **"If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment for the provision of court facilities."** This amendment should also be considered for AB 29.

3) NRS 176.059 section 3 states: (2nd sentence) **"The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail."** It implies that if bail is forfeited that the amount of the bail that is from the assessments should be distributed like any other assessment. In a recent survey of the courts on how they handled assessments, we discovered that a few courts apparently do not interpret this the same and thus, apparently do not disburse the assessments contained in the bail. To clarify the intent we would suggest we add language to this section such as **"If bail is forfeited, the administrative assessments included in the bail amount pursuant to this subsection shall be disbursed as prescribe in subsections 5 and 6 below."**

4) Propose that AB 242 be merged with AB 29 so that there is a single administrative assessment bill.