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Proposed amendments to AB 29

The amendment to **Section 1** is technical and conforms subsection 7 with subsection 6 and specifies the assessments are specialty court assessments, lines 3-1.

The amendment to **Section 3** of AB 29 ensures that the facility administrative assessment included in bail is distributed accordingly if bail is forfeited, line 7-31. This amendment was included in Sections 1 (page 2 lines 14 -16) and Section 2 (page 4 lines 31-33) but was inadvertently left out of Section 3.

The amendment to **Section 7** clarifies the order of forfeiture from the order setting aside the forfeiture, line 12-40.

The **Section 8** amendment changes distribution of gross misdemeanor and felony bail forfeitures from a 50/50 split to a 90/10 split.

1-1 **Section 1.** Chapter 176 of NRS is hereby amended to read as
1-2 follows:

1-3 *1. The justices or judges of the justices' or municipal courts*
1-4 *shall impose, in addition to an administrative assessment imposed*
1-5 *pursuant to NRS 176.059 and 176.0611, an administrative*
1-6 *assessment for the provision of specialty court programs.*

1-7 *2. Except as otherwise provided in subsection 3, when a*
1-8 *defendant pleads guilty or is found guilty of a misdemeanor,*
1-9 *including the violation of any municipal ordinance, the justice or*
1-10 *judge shall include in the sentence the sum of \$5 as an*
1-11 *administrative assessment for the provision of specialty court*
1-12 *programs and render a judgment against the defendant for the*

2-1 *assessment. If a defendant is sentenced to perform community*
2-2 *service in lieu of a fine, the sentence must include the*
2-3 *administrative assessment required pursuant to this subsection.*

2-4 *3. The provisions of subsection 2 do not apply to:*

2-5 *(a) An ordinance regulating metered parking; or*

2-6 *(b) An ordinance which is specifically designated as imposing*
2-7 *a civil penalty or liability pursuant to NRS 244.3575 or 268.019.*

2-8 *4. The money collected for an administrative assessment for*
2-9 *the provision of specialty court programs must not be deducted*
2-10 *from the fine imposed by the justice or judge but must be taxed*
2-11 *against the defendant in addition to the fine. The money collected*
2-12 *for such an administrative assessment must be stated separately on*
2-13 *the court's docket and must be included in the amount posted for*
2-14 *bail. If bail is forfeited, the administrative assessment included in*
2-15 *the bail pursuant to this subsection must be disbursed pursuant to*
2-16 *subsection 6 or 7. If the defendant is found not guilty or the*
2-17 *charges are dismissed, the money deposited with the court must be*
2-18 *returned to the defendant. If the justice or judge cancels a fine*
2-19 *because the fine has been determined to be uncollectible, any*
2-20 *balance of the fine and the administrative assessment ~~remain~~*

2-21 *unpaid shall be deemed to be uncollectible and the defendant is*
2-22 *not required to pay it. If a fine is determined to be uncollectible,*
2-23 *the defendant is not entitled to a refund of the fine or*
2-24 *administrative assessment he has paid and the justice or judge*
2-25 *shall not recalculate the administrative assessment.*

2-26 *5. If the justice or judge permits the fine and administrative*
2-27 *assessment for the provision of specialty court programs to be paid*
2-28 *in installments, the payments must be applied in the following*
2-29 *order:*

2-30 *(a) To pay the unpaid balance of an administrative assessment*
2-31 *imposed pursuant to NRS 176.059;*

2-32 *(b) To pay the unpaid balance of an administrative assessment*
2-33 *for the provision of court facilities pursuant to NRS 176.0611;*

2-34 *(c) To pay the unpaid balance of an administrative assessment*
2-35 *for the provision of specialty court programs; and*

2-36 *(d) To pay the fine.*

2-37 *6. The money collected for an administrative assessment for*
2-38 *the provision of specialty court programs in municipal court must*
2-39 *be paid by the clerk of the court to the city treasurer on or before*
2-40 *the fifth day of each month for the preceding month. On or before*
2-41 *the 15th day of that month, the city treasurer shall deposit the*
2-42 *money received for each administrative assessment with the State*
2-43 *Controller for credit to a special account in the State General*
2-44 *Fund administered by the Office of Court Administrator.*

7. The money collected for an administrative assessment for specialty court programs in

3-2 *justices' courts must be paid by the clerk of the court to the county*
3-3 *treasurer on or before the fifth day of each month for the*
3-4 *preceding month. On or before the 15th day of that month, the*
3-5 *county treasurer shall deposit the money received for each*
3-6 *administrative assessment with the State Controller for credit to a*
3-7 *special account in the State General Fund administered by the*
3-8 *Office of Court Administrator.*

3-9 *8. The Office of Court Administrator shall allocate the money*
3-10 *credited to the State General Fund pursuant to subsections 6 and*
3-11 *7 to courts to assist with the funding or establishment of specialty*
3-12 *court programs.*

3-13 *9. Money that is apportioned to a court from administrative*
3-14 *assessments for the provision of specialty court programs must be*
3-15 *used by the court to:*

3-16 *(a) Pay for the treatment and testing of persons who*
3-17 *participate in the program; and*

3-18 *(b) Improve the operations of the specialty court program by*
3-19 *any combination of:*

3-20 *(1) Acquiring necessary capital goods;*

3-21 *(2) Providing for personnel to staff and oversee the*
3-22 *specialty court program;*

3-23 *(3) Providing training and education to personnel;*

3-24 (4) *Studying the management and operation of the*
3-25 *program;*

3-26 (5) *Conducting audits of the program;*

3-27 (6) *Supplementing the funds used to pay for judges to*
3-28 *oversee a specialty court program; or*

3-29 (7) *Acquiring or using appropriate technology.*

3-30 10. *As used in this section:*

3-31 (a) *“Office of Court Administrator” means the Office of Court*
3-32 *Administrator created pursuant to NRS 1.320; and*

3-33 (b) *“Specialty court program” means a program established by*
3-34 *a court to facilitate testing treatment and oversight of certain*
3-35 *persons over whom the court has jurisdiction and who the court*
3-36 *has determined suffers from a mental illness or abuses alcohol or*
3-37 *drugs. Such a program includes, without limitation, a program*
3-38 *established pursuant to NRS 176A.250 or 453.580.*

7-10 **Sec. 3.** NRS 176.0611 is hereby amended to read as follows:

7-11 176.0611 1. A county or a city, upon recommendation of the
7-12 appropriate court, may, by ordinance, authorize the justices or
7-13 judges of the justices’ or municipal courts within its jurisdiction to
7-14 impose for not longer than 25 years, in addition to ~~the~~
7-15 ~~administrative assessment~~ *the administrative assessments* imposed
7-16 pursuant to NRS 176.059~~+~~ and section 1 of this act, an
7-17 administrative assessment for the provision of court facilities.

7-18 2. Except as otherwise provided in subsection 3, in any
7-19 jurisdiction in which an administrative assessment for the provision
7-20 of court facilities has been authorized, when a defendant pleads
7-21 guilty or guilty but mentally ill or is found guilty of a misdemeanor,
7-22 including the violation of any municipal ordinance, the justice or
7-23 judge shall include in the sentence the sum of \$10 as an
7-24 administrative assessment for the provision of court facilities and
7-25 render a judgment against the defendant for the assessment. *If the*
7-26 *justice or judge sentences the defendant to perform community*
7-27 *service in lieu of a fine, the justice or judge shall include in the*
7-28 *sentence the administrative assessment required pursuant to this*
7-29 *subsection.*

7-30 3. The provisions of subsection 2 do not apply to:

7-31 (a) An ordinance regulating metered parking; or

7-32 (b) An ordinance that is specifically designated as imposing a
7-33 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

7-34 4. The money collected for an administrative assessment for
7-35 the provision of court facilities must not be deducted from the fine
7-36 imposed by the justice or judge but must be taxed against the
7-37 defendant in addition to the fine. The money collected for such an
7-38 administrative assessment must be stated separately on the court’s
7-39 docket and must be included in the amount posted for bail.

If bail is forfeited, the administrative assessment
included in the amount posted for bail pursuant to this subsection
must be disbursed in the manner set forth in subsection 6 or 7. If the

7-40 defendant is found not guilty or the charges are dismissed, the
7-41 money deposited with the court must be returned to the defendant. If
7-42 the justice or judge cancels a fine because the fine has been
7-43 determined to be uncollectible, any balance of the fine and the
7-44 administrative assessment remaining unpaid shall be deemed to be
7-45 uncollectible and the defendant is not required to pay it. If a fine is

8-1 determined to be uncollectible, the defendant is not entitled to a
8-2 refund of the fine or administrative assessment he has paid and the
8-3 justice or judge shall not recalculate the administrative assessment.

8-4 5. If the justice or judge permits the fine and administrative
8-5 assessment for the provision of court facilities to be paid in
8-6 installments, the payments must be applied in the following order:

8-7 (a) To pay the unpaid balance of an administrative assessment
8-8 imposed pursuant to NRS 176.059;

8-9 (b) To pay the unpaid balance of an administrative assessment
8-10 for the provision of court facilities pursuant to this section; ~~and~~

8-11 (c) *To pay the unpaid balance of an administrative assessment*
8-12 *for the provision of specialty court programs pursuant to section 1*
8-13 *of this act; and*

8-14 (d) To pay the fine.

8-15 6. The money collected for administrative assessments for the
8-16 provision of court facilities in municipal courts must be paid by the
8-17 clerk of the court to the city treasurer on or before the fifth day of
8-18 each month for the preceding month. The city treasurer shall deposit
8-19 the money received in a special revenue fund. The city may use the
8-20 money in the special revenue fund only to:

8-21 (a) Acquire land on which to construct additional facilities for
8-22 the municipal courts or a regional justice center that includes the
8-23 municipal courts.

8-24 (b) Construct or acquire additional facilities for the municipal
8-25 courts or a regional justice center that includes the municipal courts.

8-26 (c) Renovate or remodel existing facilities for the municipal
8-27 courts.

8-28 (d) Acquire furniture, fixtures and equipment necessitated by the
8-29 construction or acquisition of additional facilities or the renovation
8-30 of an existing facility for the municipal courts or a regional justice
8-31 center that includes the municipal courts. This paragraph does not
8-32 authorize the expenditure of money from the fund for furniture,
8-33 fixtures or equipment for judicial chambers.

8-34 (e) Acquire advanced technology for use in the additional or
8-35 renovated facilities.

8-36 (f) Pay debt service on any bonds issued pursuant to subsection
8-37 3 of NRS 350.020 for the acquisition of land or facilities or the
8-38 construction or renovation of facilities for the municipal courts or a
8-39 regional justice center that includes the municipal courts.

8-40 Any money remaining in the special revenue fund after 5 fiscal
8-41 years must be deposited in the municipal general fund for the
8-42 continued maintenance of court facilities if it has not been

8-43 committed for expenditure pursuant to a plan for the construction or
8-44 acquisition of court facilities or improvements to court facilities.
8-45 The city treasurer shall provide, upon request by a municipal court,

9-1 monthly reports of the revenue credited to and expenditures made
9-2 from the special revenue fund.

9-3 7. The money collected for administrative assessments for the
9-4 provision of court facilities in justices' courts must be paid by the
9-5 clerk of the court to the county treasurer on or before the fifth day of
9-6 each month for the preceding month. The county treasurer shall
9-7 deposit the money received to a special revenue fund. The county
9-8 may use the money in the special revenue fund only to:

9-9 (a) Acquire land on which to construct additional facilities for
9-10 the justices' courts or a regional justice center that includes the
9-11 justices' courts.

9-12 (b) Construct or acquire additional facilities for the justices'
9-13 courts or a regional justice center that includes the justices' courts.

9-14 (c) Renovate or remodel existing facilities for the justices'
9-15 courts.

9-16 (d) Acquire furniture, fixtures and equipment necessitated by the
9-17 construction or acquisition of additional facilities or the renovation
9-18 of an existing facility for the justices' courts or a regional justice
9-19 center that includes the justices' courts. This paragraph does not
9-20 authorize the expenditure of money from the fund for furniture,
9-21 fixtures or equipment for judicial chambers.

9-22 (e) Acquire advanced technology for use in the additional or
9-23 renovated facilities.

9-24 (f) Pay debt service on any bonds issued pursuant to subsection
9-25 3 of NRS 350.020 for the acquisition of land or facilities or the
9-26 construction or renovation of facilities for the justices' courts or a
9-27 regional justice center that includes the justices' courts.

9-28 Any money remaining in the special revenue fund after 5 fiscal
9-29 years must be deposited in the county general fund for the continued
9-30 maintenance of court facilities if it has not been committed for
9-31 expenditure pursuant to a plan for the construction or acquisition of
9-32 court facilities or improvements to court facilities. The county
9-33 treasurer shall provide, upon request by a justice's court, monthly
9-34 reports of the revenue credited to and expenditures made from the
9-35 special revenue fund.

9-36 8. If money collected pursuant to this section is to be used to
9-37 acquire land on which to construct a regional justice center, to
9-38 construct a regional justice center or to pay debt service on bonds
9-39 issued for these purposes, the county and the participating cities
9-40 shall, by interlocal agreement, determine such issues as the size of
9-41 the regional justice center, the manner in which the center will be
9-42 used and the apportionment of fiscal responsibility for the center.

12-34 **Sec. 7.** NRS 178.514 is hereby amended to read as follows:
12-35 178.514 1. When a forfeiture has not been set aside, the court
12-36 shall on motion enter a judgment of default and execution may issue
12-37 thereon.

12-38 2. *If the Office of Court Administrator has not received an*
12-39 *order setting aside a forfeiture within 180 days after the issuance*
12-40 *of the order of forfeiture, the Court Administrator shall request that the court*
12-41 *that ordered the forfeiture institute proceedings to enter a*
12-42 *judgment of default with respect to the amount of the undertaking*
12-43 *or money deposited instead of bail bond with the court. Not later*
12-44 *than 30 days after receipt of the request from the Office of Court*

13-1 *Administrator, the court shall enter judgment by default and*
13-2 *commence execution proceedings therein.*

13-3 3. By entering into a bond the obligors submit to the
13-4 jurisdiction of the court and irrevocably appoint the clerk of the
13-5 court as their agent upon whom any papers affecting their liability
13-6 may be served. Their liability may be enforced on motion and such
13-7 notice of the motion as the court prescribes may be served on the
13-8 clerk of the court, who shall forthwith mail copies to the obligors to
13-9 their last known addresses.

13-10 **Sec. 8.** NRS 178.518 is hereby amended to read as follows:

13-11 178.518 Money collected pursuant to NRS 178.506 to 178.516,
13-12 inclusive, which was collected:

13-13 1. From a person who was charged with a misdemeanor must
13-14 be paid over to the county treasurer.

13-15 2. From a person who was charged with a gross misdemeanor
13-16 or a felony must be paid over to the State Controller for deposit in
13-17 the ~~{Fund for the Compensation of Victims of Crime.}~~ *State*
13-18 *General Fund for distribution in the following manner:*

13-19 *(a) ~~Fifty-Ninety~~ percent for credit to the Fund for the Compensation*
13-20 *of Victims of Crime; and*

13-21 *(b) ~~Fifty-Ten~~ percent for credit to the special account established*
13-22 *pursuant to section 1 of this act to assist with funding and*
13-23 *establishing specialty court programs.*