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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 remaining*

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ASSEMBLY WAYS AND MEANS

DATE: 5/14/03 ROOM: 3137 EXHIBIT D

SUBMITTED BY: MARK STEVENS

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.*

3-1 *7. The money collected for ~~an~~ administrative assessments for the provisions of specialty*  
3-2 *court programs in*

3-3 *justices' courts must be paid by the clerk of the court to the county*  
3-4 *treasurer on or before the fifth day of each month for the*  
3-5 *preceding month. On or before the 15th day of that month, the*  
3-6 *county treasurer shall deposit the money received for each*  
3-7 *administrative assessment with the State Controller for credit to a*  
3-8 *special account in the State General Fund administered by the*  
3-9 *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.*