
ASSEMBLY BILL NO. 242—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

MARCH 5, 2003

Referred to Committee on Judiciary

SUMMARY—Increases amount of certain administrative assessments and requires imposition of administrative assessment when imprisonment or community service is ordered in lieu of fine. (BDR 14-613)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to administrative assessments; increasing the amount of certain administrative assessments; requiring a justice or judge to impose an administrative assessment against a person convicted of certain offenses when imprisonment or community service is ordered in lieu of a fine; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 176.059 is hereby amended to read as follows:
2 176.059 1. Except as otherwise provided in subsection 2,
3 when a defendant pleads guilty or guilty but mentally ill or is found
4 guilty of a misdemeanor, including the violation of any municipal
5 ordinance, the justice or judge shall include in the sentence the sum
6 prescribed by the following schedule as an administrative
7 assessment and render a judgment against the defendant for the
8 assessment:



1	Fine	Assessment
2	\$5 to \$49.....	[\$15] \$25
3	50 to 59.....	[30] 40
4	60 to 69.....	[35] 45
5	70 to 79.....	[40] 50
6	80 to 89.....	[45] 55
7	90 to 99.....	[50] 60
8	100 to 199.....	[60] 70
9	200 to 299.....	[70] 80
10	300 to 399.....	[80] 90
11	400 to 499.....	[90] 100
12	500 to 1,000.....	[105] 115

13
14 *If the justice or judge sentences the defendant to imprisonment or*
15 *to perform community service in lieu of a fine, the justice or judge*
16 *shall include in the sentence the amount of the administrative*
17 *assessment that corresponds with the fine for which the defendant*
18 *would have been responsible as prescribed by the schedule in this*
19 *subsection.*

20 2. The provisions of subsection 1 do not apply to:
21 (a) An ordinance regulating metered parking; or
22 (b) An ordinance which is specifically designated as imposing a
23 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

24 3. The money collected for an administrative assessment must
25 not be deducted from the fine imposed by the justice or judge but
26 must be taxed against the defendant in addition to the fine. The
27 money collected for an administrative assessment must be stated
28 separately on the court's docket and must be included in the amount
29 posted for bail. If the defendant is found not guilty or the charges
30 are dismissed, the money deposited with the court must be returned
31 to the defendant. If the justice or judge cancels a fine because the
32 fine has been determined to be uncollectible, any balance of the fine
33 and the administrative assessment remaining unpaid shall be
34 deemed to be uncollectible and the defendant is not required to pay
35 it. If a fine is determined to be uncollectible, the defendant is not
36 entitled to a refund of the fine or administrative assessment he has
37 paid and the justice or judge shall not recalculate the administrative
38 assessment.

39 4. If the justice or judge permits the fine and administrative
40 assessment to be paid in installments, the payments must be first
41 applied to the unpaid balance of the administrative assessment. The
42 city treasurer shall distribute partially collected administrative
43 assessments in accordance with the requirements of subsection 5.
44 The county treasurer shall distribute partially collected



1 administrative assessments in accordance with the requirements of
2 subsection 6.

3 5. The money collected for administrative assessments in
4 municipal court must be paid by the clerk of the court to the city
5 treasurer on or before the fifth day of each month for the preceding
6 month. The city treasurer shall distribute, on or before the 15th day
7 of that month, the money received in the following amounts for each
8 assessment received:

9 (a) Two dollars to the county treasurer for credit to a special
10 account in the county general fund for the use of the county's
11 juvenile court or for services to juvenile offenders. Any money
12 remaining in the special account after 2 fiscal years must be
13 deposited in the county general fund if it has not been committed for
14 expenditure. The county treasurer shall provide, upon request by a
15 juvenile court, monthly reports of the revenue credited to and
16 expenditures made from the special account.

17 (b) Seven dollars for credit to a special revenue fund for the use
18 of the municipal courts. Any money remaining in the special
19 revenue fund after 2 fiscal years must be deposited in the municipal
20 general fund if it has not been committed for expenditure. The city
21 treasurer shall provide, upon request by a municipal court, monthly
22 reports of the revenue credited to and expenditures made from the
23 special revenue fund.

24 (c) The remainder of each assessment to the State Controller for
25 credit to a special account in the State General Fund.

26 6. The money collected for administrative assessments in
27 justices' courts must be paid by the clerk of the court to the county
28 treasurer on or before the fifth day of each month for the preceding
29 month. The county treasurer shall distribute, on or before the 15th
30 day of that month, the money received in the following amounts for
31 each assessment received:

32 (a) Two dollars for credit to a special account in the county
33 general fund for the use of the county's juvenile court or for services
34 to juvenile offenders. Any money remaining in the special account
35 after 2 fiscal years must be deposited in the county general fund if it
36 has not been committed for expenditure. The county treasurer shall
37 provide, upon request by a juvenile court, monthly reports of the
38 revenue credited to and expenditures made from the special account.

39 (b) Seven dollars for credit to a special revenue fund for the use
40 of the justices' courts. Any money remaining in the special revenue
41 fund after 2 fiscal years must be deposited in the county general
42 fund if it has not been committed for expenditure. The county
43 treasurer shall provide, upon request by a justice's court, monthly
44 reports of the revenue credited to and expenditures made from the
45 special revenue fund.



- 1 (c) The remainder of each assessment to the State Controller for
2 credit to a special account in the State General Fund.
- 3 7. The money apportioned to a juvenile court, a justice's court
4 or a municipal court pursuant to this section must be used, in
5 addition to providing services to juvenile offenders in the juvenile
6 court, to improve the operations of the court, or to acquire
7 appropriate advanced technology or the use of such technology, or
8 both. Money used to improve the operations of the court may
9 include expenditures for:
- 10 (a) Training and education of personnel;
 - 11 (b) Acquisition of capital goods;
 - 12 (c) Management and operational studies; or
 - 13 (d) Audits.
- 14 8. Of the total amount deposited in the State General Fund
15 pursuant to subsections 5 and 6, the State Controller shall distribute
16 the money received to the following public agencies in the
17 following manner:
- 18 (a) Not less than 51 percent to the Office of ~~{the}~~ Court
19 Administrator for allocation as follows:
 - 20 (1) Eighteen and one-half percent of the amount distributed
21 to the Office of ~~{the}~~ Court Administrator for the administration of
22 the courts.
 - 23 (2) Nine percent of the amount distributed to the Office of
24 ~~{the}~~ Court Administrator for the development of a uniform system
25 for judicial records.
 - 26 (3) Nine percent of the amount distributed to the Office of
27 ~~{the}~~ Court Administrator for continuing judicial education.
 - 28 (4) Sixty percent of the amount distributed to the Office of
29 ~~{the}~~ Court Administrator for the Supreme Court.
 - 30 (5) Three and one-half percent of the amount distributed to
31 the Office of ~~{the}~~ Court Administrator for the payment for the
32 services of retired justices and retired district judges.
 - 33 (b) Not more than 49 percent must be used to the extent of
34 legislative authorization for the support of:
 - 35 (1) The Central Repository for Nevada Records of Criminal
36 History;
 - 37 (2) The Peace Officers' Standards and Training Commission;
 - 38 (3) The operation by the Nevada Highway Patrol of a
39 computerized switching system for information related to law
40 enforcement;
 - 41 (4) The Fund for the Compensation of Victims of Crime; and
 - 42 (5) The Advisory Council for Prosecuting Attorneys.
- 43 9. As used in this section ~~{, "juvenile"}~~ :
44 (a) "**Juvenile** court" means:



1 ~~[(a)]~~ (1) In any judicial district that includes a county whose
2 population is 100,000 or more, the family division of the district
3 court; or

4 ~~[(b)]~~ (2) In any other judicial district, the juvenile division of
5 the district court.

6 (b) *“Office of Court Administrator” means the Office of Court*
7 *Administrator created pursuant to NRS 1.320.*

8 **Sec. 2.** This act becomes effective on July 1, 2003.

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