
ASSEMBLY BILL NO. 29—COMMITTEE ON JUDICIARY

PREFILED JANUARY 29, 2003

Referred to Committee on Judiciary

SUMMARY—Provides for additional administrative assessment to be collected in certain cases involving misdemeanors to pay for certain programs established by district courts. (BDR 14-130)

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; providing for an additional administrative assessment to be collected in cases involving a misdemeanor to pay for certain programs established by district courts; 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.** Chapter 176 of NRS is hereby amended to read as
2 follows:

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

7 ***2. Except as otherwise provided in subsection 3, when a***
8 ***defendant pleads guilty or is found guilty of a misdemeanor,***
9 ***including the violation of any municipal ordinance, the justice or***
10 ***judge shall include in the sentence the sum of \$15 as an***
11 ***administrative assessment for the provision of specialty court***
12 ***programs and render a judgment against the defendant for the***
13 ***assessment.***

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

15 ***(a) An ordinance regulating metered parking; or***



1 (b) *An ordinance which is specifically designated as imposing*
2 *a civil penalty or liability pursuant to NRS 244.3575 or 268.019.*
3 4. *The money collected for an administrative assessment for*
4 *the provision of specialty court programs must not be deducted*
5 *from the fine imposed by the justice or judge but must be taxed*
6 *against the defendant in addition to the fine. The money collected*
7 *for such an administrative assessment must be stated separately on*
8 *the court's docket and must be included in the amount posted for*
9 *bail. If the defendant is found not guilty or the charges are*
10 *dismissed, the money deposited with the court must be returned to*
11 *the defendant. If the justice or judge cancels a fine because the*
12 *fine has been determined to be uncollectible, any balance of the*
13 *fine and the administrative assessment remaining unpaid shall be*
14 *deemed to be uncollectible and the defendant is not required to*
15 *pay it. If a fine is determined to be uncollectible, the defendant is*
16 *not entitled to a refund of the fine or administrative assessment he*
17 *has paid and the justice or judge shall not recalculate the*
18 *administrative assessment.*
19 5. *If the justice or judge permits the fine and administrative*
20 *assessment for the provision of specialty court programs to be paid*
21 *in installments, the payments must be applied in the following*
22 *order:*
23 (a) *To pay the unpaid balance of an administrative assessment*
24 *imposed pursuant to NRS 176.059;*
25 (b) *To pay the unpaid balance of an administrative assessment*
26 *for the provision of court facilities pursuant to NRS 176.0611;*
27 (c) *To pay the unpaid balance of an administrative assessment*
28 *for the provision of specialty court programs; and*
29 (d) *To pay the fine.*
30 6. *The money collected for an administrative assessment for*
31 *the provision of specialty court programs in municipal court must*
32 *be paid by the clerk of the court to the city treasurer on or before*
33 *the fifth day of each month for the preceding month. On or before*
34 *the 15th day of that month, the city treasurer shall:*
35 (a) *If a specialty court program has been established by a*
36 *district court within the county in which the municipal court that*
37 *collected the assessment is located, credit the money received to a*
38 *special account in the county general fund to pay for any such*
39 *program. Any money remaining in the special account after 2*
40 *fiscal years must be deposited in the county general fund if it has*
41 *not been committed for expenditure. The county treasurer shall*
42 *provide, upon request of a district court that has established a*
43 *specialty court program, monthly reports of the revenue credited to*
44 *and expenditures made from the special account.*



1 ***(b) If a specialty court program has not been established by a***
2 ***district court within the county in which the municipal court that***
3 ***collected the assessment is located, deposit the money received***
4 ***with the State Controller for credit to a special account in the State***
5 ***General Fund for allocation to courts that have established such a***
6 ***program. Upon a determination of the need for additional funds, a***
7 ***district court that has established a specialty court program may***
8 ***submit a proposal to the Interim Finance Committee, or the***
9 ***Senate Standing Committee on Finance and the Assembly***
10 ***Standing Committee on Ways and Means when the Legislature is***
11 ***in general session. Upon approval of the proposal by the***
12 ***appropriate committee or committees, the money may be so***
13 ***expended. Money that remains in the account at the end of the***
14 ***fiscal year does not revert to the State General Fund, and the***
15 ***balance in the account must be carried forward to the next fiscal***
16 ***year.***

17 ***7. The money collected for administrative assessments in***
18 ***justices' courts must be paid by the clerk of the court to the county***
19 ***treasurer on or before the fifth day of each month for the***
20 ***preceding month. On or before the 15th day of that month, the***
21 ***county treasurer shall:***

22 ***(a) If a specialty court program has been established by a***
23 ***district court within the county in which the justice court that***
24 ***collected the assessment is located, credit the money received to a***
25 ***special account in the county general fund to pay for any such***
26 ***program. Any money remaining in the special account after 2***
27 ***fiscal years must be deposited in the county general fund if it has***
28 ***not been committed for expenditure. The county treasurer shall***
29 ***provide, upon request of a district court that has established a***
30 ***specialty court program, monthly reports of the revenue credited to***
31 ***and expenditures made from the special account.***

32 ***(b) If a specialty court program has not been established***
33 ***within the county in which the justice court that collected the***
34 ***assessment is located, deposit the money received with the State***
35 ***Controller for credit to a special account in the State General***
36 ***Fund for allocation to courts that have established such a***
37 ***program. Upon a determination of the need for additional funds, a***
38 ***district court that has established a specialty court program may***
39 ***submit a proposal to the Interim Finance Committee, or the***
40 ***Senate Standing Committee on Finance and the Assembly***
41 ***Standing Committee on Ways and Means when the Legislature is***
42 ***in general session. Upon approval of the proposal by the***
43 ***appropriate committee or committees, the money may be so***
44 ***expended. Money that remains in the account at the end of the***
45 ***fiscal year does not revert to the State General Fund, and***



1 *the balance in the account must be carried forward to the next*
2 *fiscal year.*

3 8. *Money that is apportioned to a district court from*
4 *administrative assessments for the provision of specialty court*
5 *programs must be used by the court to:*

6 (a) *Pay for the treatment and testing of persons who*
7 *participate in the program; and*

8 (b) *Improve the operations of the specialty court program by*
9 *any combination of:*

10 (1) *Acquiring necessary capital goods;*

11 (2) *Providing training and education to personnel;*

12 (3) *Studying the management and operation of the*
13 *program;*

14 (4) *Conducting audits of the program;*

15 (5) *Supplementing the funds used to pay for judges to*
16 *oversee a specialty court program; or*

17 (6) *Acquiring or using appropriate technology.*

18 9. *As used in this section, "specialty court program" means a*
19 *program established by a district court to facilitate testing,*
20 *treatment and oversight of certain persons over whom the court*
21 *has jurisdiction and who the court has determined suffers from a*
22 *mental illness or abuses alcohol or drugs. Such a program*
23 *includes, without limitation, a program established pursuant to*
24 *NRS 176A.250 or 453.580.*

25 **Sec. 2.** NRS 176.0611 is hereby amended to read as follows:

26 176.0611 1. A county or a city, upon recommendation of the
27 appropriate court, may, by ordinance, authorize the justices or
28 judges of the justices' or municipal courts within its jurisdiction to
29 impose for not longer than 25 years, in addition to ~~an~~
30 ~~administrative assessment~~ *the administrative assessments* imposed
31 pursuant to NRS 176.059 ~~and~~ *and section 1 of this act*, an
32 administrative assessment for the provision of court facilities.

33 2. Except as otherwise provided in subsection 3, in any
34 jurisdiction in which an administrative assessment for the provision
35 of court facilities has been authorized, when a defendant pleads
36 guilty or guilty but mentally ill or is found guilty of a misdemeanor,
37 including the violation of any municipal ordinance, the justice or
38 judge shall include in the sentence the sum of \$10 as an
39 administrative assessment for the provision of court facilities and
40 render a judgment against the defendant for the assessment.

41 3. The provisions of subsection 2 do not apply to:

42 (a) An ordinance regulating metered parking; or

43 (b) An ordinance that is specifically designated as imposing a
44 civil penalty or liability pursuant to NRS 244.3575 or 268.019.



1 4. The money collected for an administrative assessment for
2 the provision of court facilities must not be deducted from the fine
3 imposed by the justice or judge but must be taxed against the
4 defendant in addition to the fine. The money collected for such an
5 administrative assessment must be stated separately on the court's
6 docket and must be included in the amount posted for bail. If the
7 defendant is found not guilty or the charges are dismissed, the
8 money deposited with the court must be returned to the defendant. If
9 the justice or judge cancels a fine because the fine has been
10 determined to be uncollectible, any balance of the fine and the
11 administrative assessment remaining unpaid shall be deemed to be
12 uncollectible and the defendant is not required to pay it. If a fine is
13 determined to be uncollectible, the defendant is not entitled to a
14 refund of the fine or administrative assessment he has paid and the
15 justice or judge shall not recalculate the administrative assessment.

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

19 (a) To pay the unpaid balance of an administrative assessment
20 imposed pursuant to NRS 176.059;

21 (b) To pay the unpaid balance of an administrative assessment
22 for the provision of court facilities pursuant to this section; ~~and~~

23 (c) *To pay the unpaid balance of an administrative assessment*
24 *for the provision of specialty court programs pursuant to section 1*
25 *of this act; and*

26 (d) To pay the fine.

27 6. The money collected for administrative assessments for the
28 provision of court facilities in municipal courts must be paid by the
29 clerk of the court to the city treasurer on or before the fifth day of
30 each month for the preceding month. The city treasurer shall deposit
31 the money received in a special revenue fund. The city may use the
32 money in the special revenue fund only to:

33 (a) Acquire land on which to construct additional facilities for
34 the municipal courts or a regional justice center that includes the
35 municipal courts.

36 (b) Construct or acquire additional facilities for the municipal
37 courts or a regional justice center that includes the municipal courts.

38 (c) Renovate or remodel existing facilities for the municipal
39 courts.

40 (d) Acquire furniture, fixtures and equipment necessitated by the
41 construction or acquisition of additional facilities or the renovation
42 of an existing facility for the municipal courts or a regional justice
43 center that includes the municipal courts. This paragraph does not
44 authorize the expenditure of money from the fund for furniture,
45 fixtures or equipment for judicial chambers.



- 1 (e) Acquire advanced technology for use in the additional or
2 renovated facilities.
- 3 (f) Pay debt service on any bonds issued pursuant to subsection
4 3 of NRS 350.020 for the acquisition of land or facilities or the
5 construction or renovation of facilities for the municipal courts or a
6 regional justice center that includes the municipal courts.
7 Any money remaining in the special revenue fund after 5 fiscal
8 years must be deposited in the municipal general fund for the
9 continued maintenance of court facilities if it has not been
10 committed for expenditure pursuant to a plan for the construction or
11 acquisition of court facilities or improvements to court facilities.
12 The city treasurer shall provide, upon request by a municipal court,
13 monthly reports of the revenue credited to and expenditures made
14 from the special revenue fund.
- 15 7. The money collected for administrative assessments for the
16 provision of court facilities in justices' courts must be paid by the
17 clerk of the court to the county treasurer on or before the fifth day of
18 each month for the preceding month. The county treasurer shall
19 deposit the money received to a special revenue fund. The county
20 may use the money in the special revenue fund only to:
 - 21 (a) Acquire land on which to construct additional facilities for
22 the justices' courts or a regional justice center that includes the
23 justices' courts.
 - 24 (b) Construct or acquire additional facilities for the justices'
25 courts or a regional justice center that includes the justices' courts.
 - 26 (c) Renovate or remodel existing facilities for the justices'
27 courts.
 - 28 (d) Acquire furniture, fixtures and equipment necessitated by the
29 construction or acquisition of additional facilities or the renovation
30 of an existing facility for the justices' courts or a regional justice
31 center that includes the justices' courts. This paragraph does not
32 authorize the expenditure of money from the fund for furniture,
33 fixtures or equipment for judicial chambers.
 - 34 (e) Acquire advanced technology for use in the additional or
35 renovated facilities.
 - 36 (f) Pay debt service on any bonds issued pursuant to subsection
37 3 of NRS 350.020 for the acquisition of land or facilities or the
38 construction or renovation of facilities for the justices' courts or a
39 regional justice center that includes the justices' courts.
40 Any money remaining in the special revenue fund after 5 fiscal
41 years must be deposited in the county general fund for the continued
42 maintenance of court facilities if it has not been committed for
43 expenditure pursuant to a plan for the construction or acquisition of
44 court facilities or improvements to court facilities. The county
45 treasurer shall provide, upon request by a justice's court, monthly



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

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

10 **Sec. 3.** NRS 179.225 is hereby amended to read as follows:

11 179.225 1. If the punishment of the crime is the confinement
12 of the criminal in prison, the expenses must be paid from money
13 appropriated to the Office of the Attorney General for that purpose,
14 upon approval by the State Board of Examiners. After the
15 appropriation is exhausted, the expenses must be paid from the
16 Reserve for Statutory Contingency Account upon approval by the
17 State Board of Examiners. In all other cases, they must be paid out
18 of the county treasury in the county wherein the crime is alleged to
19 have been committed. The expenses are:

20 (a) If the prisoner is returned to this state from another state, the
21 fees paid to the officers of the state on whose governor the
22 requisition is made;

23 (b) If the prisoner is returned to this state from a foreign country
24 or jurisdiction, the fees paid to the officers and agents of this state or
25 the United States; or

26 (c) If the prisoner is temporarily returned for prosecution to this
27 state from another state pursuant to this chapter or chapter 178 of
28 NRS and is then returned to the sending state upon completion of
29 the prosecution, the fees paid to the officers and agents of this
30 state,
31 and the necessary traveling expenses and subsistence allowances in
32 the amounts authorized by NRS 281.160 incurred in returning the
33 prisoner.

34 2. If a person is returned to this state pursuant to this chapter or
35 chapter 178 of NRS and is convicted of, or pleads guilty, guilty but
36 mentally ill or nolo contendere to the criminal charge for which he
37 was returned or a lesser criminal charge, the court shall conduct an
38 investigation of the financial status of the person to determine his
39 ability to make restitution. In conducting the investigation, the court
40 shall determine if the person is able to pay any existing obligations
41 for:

42 (a) Child support;

43 (b) Restitution to victims of crimes; and



1 (c) Any administrative assessment required to be paid pursuant
2 to NRS 62.2175, 176.059 , **176.0611** and 176.062 ~~§~~ **and section 1**
3 **of this act.**

4 3. If the court determines that the person is financially able to
5 pay the obligations described in subsection 2, it shall, in addition to
6 any other sentence it may impose, order the person to make
7 restitution for the expenses incurred by the Attorney General or
8 other governmental entity in returning him to this state. The court
9 shall not order the person to make restitution if payment of
10 restitution will prevent him from paying any existing obligations
11 described in subsection 2. Any amount of restitution remaining
12 unpaid constitutes a civil liability arising upon the date of the
13 completion of his sentence.

14 4. The Attorney General may adopt regulations to carry out the
15 provisions of this section.

16 **Sec. 4.** NRS 211.245 is hereby amended to read as follows:

17 211.245 1. If a prisoner fails to make a payment within 10
18 days after it is due, the district attorney for a county or the city
19 attorney for an incorporated city may file a civil action in any court
20 of competent jurisdiction within this state seeking recovery of:

- 21 (a) The amount of reimbursement due;
- 22 (b) Costs incurred in conducting an investigation of the financial
23 status of the prisoner; and
- 24 (c) Attorney's fees and costs.

25 2. A civil action brought pursuant to this section must:

- 26 (a) Be instituted in the name of the county or city in which the
27 jail, detention facility or alternative program is located;
- 28 (b) Indicate the date and place of sentencing, including, without
29 limitation, the name of the court which imposed the sentence;
- 30 (c) Include the record of judgment of conviction, if available;
- 31 (d) Indicate the length of time served by the prisoner and, if he
32 has been released, the date of his release; and
- 33 (e) Indicate the amount of reimbursement that the prisoner owes
34 to the county or city.

35 3. The county or city treasurer of the county or incorporated
36 city in which a prisoner is or was confined shall determine the
37 amount of reimbursement that the prisoner owes to the city or
38 county. The county or city treasurer may render a sworn statement
39 indicating the amount of reimbursement that the prisoner owes and
40 submit the statement in support of a civil action brought pursuant to
41 this section. Such a statement is prima facie evidence of the amount
42 due.

43 4. A court in a civil action brought pursuant to this section may
44 award a money judgment in favor of the county or city in whose
45 name the action was brought.



1 5. If necessary to prevent the disposition of the prisoner's
2 property by the prisoner, or his spouse or agent, a county or city
3 may file a motion for a temporary restraining order. The court may,
4 without a hearing, issue ex parte orders restraining any person from
5 transferring, encumbering, hypothecating, concealing or in any way
6 disposing of any property of the prisoner, real or personal, whether
7 community or separate, except for necessary living expenses.

8 6. The payment, pursuant to a judicial order, of existing
9 obligations for:

10 (a) Child support or alimony;

11 (b) Restitution to victims of crimes; and

12 (c) Any administrative assessment required to be paid pursuant
13 to NRS 62.2175, 176.059 , **176.0611** and 176.062 **and section 1**
14 **of this act,**

15 has priority over the payment of a judgment entered pursuant to this
16 section.

17 **Sec. 5.** NRS 249.085 is hereby amended to read as follows:

18 249.085 On or before the 15th day of each month, the county
19 treasurer shall report to the State Controller the amount of the
20 administrative assessments paid by each justices' court for the
21 preceding month pursuant to NRS 176.059 **and section 1 of this**
22 **act.**

23 **Sec. 6.** This act becomes effective on July 1, 2003.

