

ASSEMBLY BILL NO. 29—COMMITTEE ON JUDICIARY

PREFILED JANUARY 29, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning administrative assessments and forfeiture of bail. (BDR 14-130)

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

~

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

AN ACT relating to criminal procedure; providing for an additional administrative assessment to be collected in cases involving a misdemeanor to pay for certain specialty court programs established by courts; increasing the amount of certain administrative assessments; providing procedures for forfeiture of any undertaking or money deposited instead of bail bond; requiring the Court Administrator to submit a report concerning certain specialty court programs; 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 \$5 as an***  
11 ***administrative assessment for the provision of specialty court***  
12 ***programs and render a judgment against the defendant for the***



\* A B 2 9 R 1 \*

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

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

5 *(a) An ordinance regulating metered parking; or*  
6 *(b) An ordinance which is specifically designated as imposing*  
7 *a civil penalty or liability pursuant to NRS 244.3575 or 268.019.*

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

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

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

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

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

36 *(d) To pay the fine.*

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



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

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

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

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

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

20           (1) *Acquiring necessary capital goods;*

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

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

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

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

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

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

30       10. *As used in this section:*

31       (a) *"Office of Court Administrator" means the Office of Court*  
32 *Administrator created pursuant to NRS 1.320; and*

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

39       **Sec. 2.** NRS 176.059 is hereby amended to read as follows:

40       176.059 1. Except as otherwise provided in subsection 2,  
41 when a defendant pleads guilty or guilty but mentally ill or is found  
42 guilty of a misdemeanor, including the violation of any municipal  
43 ordinance, the justice or judge shall include in the sentence the sum  
44 prescribed by the following schedule as an administrative



1 assessment and render a judgment against the defendant for the  
2 assessment:

	Fine	Assessment
5	\$5 to \$49.....	<del>15</del> \$25
6	50 to 59.....	<del>30</del> 40
7	60 to 69.....	<del>35</del> 45
8	70 to 79.....	<del>40</del> 50
9	80 to 89.....	<del>45</del> 55
10	90 to 99.....	<del>50</del> 60
11	100 to 199.....	<del>60</del> 70
12	200 to 299.....	<del>70</del> 80
13	300 to 399.....	<del>80</del> 90
14	400 to 499.....	<del>90</del> 100
15	500 to 1,000.....	<del>105</del> 115

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

22 2. The provisions of subsection 1 do not apply to:

- 23 (a) An ordinance regulating metered parking; or
- 24 (b) An ordinance which is specifically designated as imposing a  
25 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

26 3. The money collected for an administrative assessment must  
27 not be deducted from the fine imposed by the justice or judge but  
28 must be taxed against the defendant in addition to the fine. The  
29 money collected for an administrative assessment must be stated  
30 separately on the court's docket and must be included in the amount  
31 posted for bail. *If bail is forfeited, the administrative assessment*  
32 *included in the amount posted for bail pursuant to this subsection*  
33 *must be disbursed in the manner set forth in subsection 5 or 6.* If  
34 the defendant is found not guilty or the charges are dismissed, the  
35 money deposited with the court must be returned to the defendant. If  
36 the justice or judge cancels a fine because the fine has been  
37 determined to be uncollectible, any balance of the fine and the  
38 administrative assessment remaining unpaid shall be deemed to be  
39 uncollectible and the defendant is not required to pay it. If a fine is  
40 determined to be uncollectible, the defendant is not entitled to a  
41 refund of the fine or administrative assessment he has paid and the  
42 justice or judge shall not recalculate the administrative assessment.

43 4. If the justice or judge permits the fine and administrative  
44 assessment to be paid in installments, the payments must be first  
45 applied to the unpaid balance of the administrative assessment. The



1 city treasurer shall distribute partially collected administrative  
2 assessments in accordance with the requirements of subsection 5.  
3 The county treasurer shall distribute partially collected  
4 administrative assessments in accordance with the requirements of  
5 subsection 6.

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

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

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

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

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

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

42 (b) Seven dollars for credit to a special revenue fund for the use  
43 of the justices' courts. Any money remaining in the special revenue  
44 fund after 2 fiscal years must be deposited in the county general  
45 fund if it has not been committed for expenditure. The county



1 treasurer shall provide, upon request by a justice's court, monthly  
2 reports of the revenue credited to and expenditures made from the  
3 special revenue fund.

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

6 7. The money apportioned to a juvenile court, a justice's court  
7 or a municipal court pursuant to this section must be used, in  
8 addition to providing services to juvenile offenders in the juvenile  
9 court, to improve the operations of the court, or to acquire  
10 appropriate advanced technology or the use of such technology, or  
11 both. Money used to improve the operations of the court may  
12 include expenditures for:

- 13 (a) Training and education of personnel;
- 14 (b) Acquisition of capital goods;
- 15 (c) Management and operational studies; or
- 16 (d) Audits.

17 8. Of the total amount deposited in the State General Fund  
18 pursuant to subsections 5 and 6, the State Controller shall distribute  
19 the money received to the following public agencies in the  
20 following manner:

21 (a) Not less than 51 percent to the Office of ~~the~~ Court  
22 Administrator for allocation as follows:

23 (1) Eighteen and one-half percent of the amount distributed  
24 to the Office of ~~the~~ Court Administrator for the administration of  
25 the courts.

26 (2) Nine percent of the amount distributed to the Office of  
27 ~~the~~ Court Administrator for the development of a uniform system  
28 for judicial records.

29 (3) Nine percent of the amount distributed to the Office of  
30 ~~the~~ Court Administrator for continuing judicial education.

31 (4) Sixty percent of the amount distributed to the Office of  
32 ~~the~~ Court Administrator for the Supreme Court.

33 (5) Three and one-half percent of the amount distributed to  
34 the Office of ~~the~~ Court Administrator for the payment for the  
35 services of retired justices and retired district judges.

36 (b) Not more than 49 percent must be used to the extent of  
37 legislative authorization for the support of:

38 (1) The Central Repository for Nevada Records of Criminal  
39 History;

40 (2) The Peace Officers' Standards and Training Commission;

41 (3) The operation by the Nevada Highway Patrol of a  
42 computerized switching system for information related to law  
43 enforcement;

44 (4) The Fund for the Compensation of Victims of Crime; and

45 (5) The Advisory Council for Prosecuting Attorneys.



1 9. As used in this section ~~["juvenile"]~~:

2 (a) **"Juvenile court"** means:

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

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

8 (b) **"Office of Court Administrator"** means the Office of Court  
9 Administrator created pursuant to NRS 1.320.

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

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

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

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

31 (a) An ordinance regulating metered parking; or

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

34 4. The money collected for an administrative assessment for  
35 the provision of court facilities must not be deducted from the fine  
36 imposed by the justice or judge but must be taxed against the  
37 defendant in addition to the fine. The money collected for such an  
38 administrative assessment must be stated separately on the court's  
39 docket and must be included in the amount posted for bail. If the  
40 defendant is found not guilty or the charges are dismissed, the  
41 money deposited with the court must be returned to the defendant. If  
42 the justice or judge cancels a fine because the fine has been  
43 determined to be uncollectible, any balance of the fine and the  
44 administrative assessment remaining unpaid shall be deemed to be  
45 uncollectible and the defendant is not required to pay it. If a fine is



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

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

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

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

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

14 (d) To pay the fine.

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

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

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

26 (c) Renovate or remodel existing facilities for the municipal  
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 municipal courts or a regional justice  
31 center that includes the municipal 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 municipal courts or a  
39 regional justice center that includes the municipal courts.

40 Any money remaining in the special revenue fund after 5 fiscal  
41 years must be deposited in the municipal general fund for the  
42 continued maintenance of court facilities if it has not been  
43 committed for expenditure pursuant to a plan for the construction or  
44 acquisition of court facilities or improvements to court facilities.  
45 The city treasurer shall provide, upon request by a municipal court,





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

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

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

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

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

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

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

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

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

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

43 **Sec. 4.** NRS 178.502 is hereby amended to read as follows:

44 178.502 1. A person required or permitted to give bail shall  
45 execute a bond for his appearance. The magistrate or court or judge



1 or justice, having regard to the considerations set forth in NRS  
2 178.498, may require one or more sureties or may authorize the  
3 acceptance of cash or bonds or notes of the United States in an  
4 amount equal to or less than the face amount of the bond.

5 2. Any bond or undertaking for bail must provide that the bond  
6 or undertaking ~~extends, for a period of at least 1 year unless bail is~~  
7 ~~exonerated earlier pursuant to the provisions of subsection 4.~~ :

8 (a) *Extends* to any action or proceeding in a justice's court,  
9 municipal court or district court:

10 ~~(a)~~ (1) Arising from the charge on which bail was first given  
11 in any of these courts; and

12 ~~(b)~~ (2) Arising from a later charge, filed before the expiration  
13 of the periods provided in subsection 4, which is substantially  
14 similar to the charge upon which bail was first given and is based  
15 upon the same act or omission as that charge ~~is~~; and

16 (b) *Remains in effect until exonerated by the court.*

17 This subsection does not require that any bond or undertaking  
18 extend to proceedings on appeal.

19 3. If an action or proceeding against a defendant who has been  
20 admitted to bail is transferred to another trial court, the bond or  
21 undertaking must be transferred to the clerk of the court to which  
22 the action or proceeding has been transferred.

23 4. If the action or proceeding against a defendant who has been  
24 admitted to bail is dismissed, the bail must not be exonerated until a  
25 period of 30 days has elapsed from the entry of the order of  
26 dismissal unless the defendant requests that bail be exonerated  
27 before the expiration of the 30-day period. If no formal action or  
28 proceeding is instituted against a defendant who has been admitted  
29 to bail, the bail must not be exonerated until a period of 30 days has  
30 elapsed from the day the bond or undertaking is posted unless the  
31 defendant requests that bail be exonerated before the expiration of  
32 the 30-day period.

33 5. If, within the periods provided in subsection 4, the defendant  
34 is charged with a public offense arising out of the same act or  
35 omission supporting the charge upon which bail was first given, the  
36 prosecuting attorney shall forthwith notify the clerk of the court  
37 where the bond was posted, the bail must be applied to the public  
38 offense later charged, and the bond or undertaking must be  
39 transferred to the clerk of the appropriate court. Within 10 days after  
40 its receipt, the clerk of the court to whom the bail is transferred shall  
41 mail notice of the transfer to the surety on the bond and the bail  
42 agent who executed the bond.

43 6. Bail given originally on appeal must be deposited with the  
44 magistrate or the clerk of the court from which the appeal is taken.



1       **Sec. 5.** NRS 178.508 is hereby amended to read as follows:  
2       178.508 1. If the defendant fails to appear when his presence  
3 in court is lawfully required for the commission of a misdemeanor  
4 and the failure to appear is not excused or is lawfully required for  
5 the commission of a gross misdemeanor or felony, the court shall:  
6       (a) Enter upon its minutes that the defendant failed to appear;  
7       (b) Not later than 45 days after the date on which the defendant  
8 failed to appear, order the issuance of a warrant for the arrest of the  
9 defendant; and  
10       (c) If the undertaking exceeds \$50 or money deposited instead  
11 of bail bond exceeds \$500, direct that each surety and the local  
12 agent of each surety, or the depositor if he is not the defendant, be  
13 given notice that the defendant has failed to appear, by certified mail  
14 within 20 days after the date on which the defendant failed to  
15 appear. The court shall execute an affidavit of such mailing to be  
16 kept as an official public record of the court and shall direct that a  
17 copy of the notice be transmitted to the prosecuting attorney at the  
18 same time that notice is given to each surety or the depositor.  
19       2. Except as otherwise provided in subsection 3 and NRS  
20 178.509, ~~the~~ *an order of forfeiture of any* undertaking or money  
21 deposited instead of bail bond *must be prepared by the clerk of*  
22 *court and signed by the court. An order of forfeiture must include*  
23 *the date on which the forfeiture becomes effective. If the*  
24 *defendant who failed to appear has been charged with the*  
25 *commission of a gross misdemeanor or felony, a copy of the order*  
26 *must be forwarded to the Office of Court Administrator. The*  
27 *undertaking or money deposited instead of bail bond* is forfeited  
28 180 days after the date on which the notice is mailed pursuant to  
29 subsection 1.  
30       3. The court may extend the date of the forfeiture for any  
31 reasonable period set by the court if the surety or depositor submits  
32 to the court:  
33       (a) An application for an extension and the court determines that  
34 the surety or the depositor is making reasonable and ongoing efforts  
35 to bring the defendant before the court.  
36       (b) An application for an extension on the ground that the  
37 defendant is temporarily prevented from appearing before the court  
38 because the defendant:  
39           (1) Is ill;  
40           (2) Is insane; or  
41           (3) Is being detained by civil or military authorities,  
42 and the court, upon hearing the matter, determines that one or more  
43 of the grounds described in this paragraph exist and that the surety  
44 or depositor did not in any way cause or aid the absence of the  
45 defendant.



1       **Sec. 6.** NRS 178.512 is hereby amended to read as follows:  
2       178.512 **1.** The court shall not set aside a forfeiture unless:  
3       ~~[(a)]~~ **(a)** The surety submits an application to set it aside on the  
4 ground that the defendant:  
5       ~~[(1)]~~ **(1)** Has appeared before the court since the date of the  
6 forfeiture and has presented a satisfactory excuse for his absence;  
7       ~~[(2)]~~ **(2)** Was dead before the date of the forfeiture but the  
8 surety did not know and could not reasonably have known of his  
9 death before that date;  
10       ~~[(3)]~~ **(3)** Was unable to appear before the court before the date  
11 of the forfeiture because of his illness or his insanity, but the surety  
12 did not know and could not reasonably have known of his illness or  
13 insanity before that date;  
14       ~~[(4)]~~ **(4)** Was unable to appear before the court before the date  
15 of the forfeiture because he was being detained by civil or military  
16 authorities, but the surety did not know and could not reasonably  
17 have known of his detention before that date; or  
18       ~~[(5)]~~ **(5)** Was unable to appear before the court before the date  
19 of the forfeiture because he was deported, but the surety did not  
20 know and could not reasonably have known of his deportation  
21 before that date,  
22 and the court, upon hearing the matter, determines that one or more  
23 of the grounds described in this subsection exist and that the surety  
24 did not in any way cause or aid the absence of the defendant; and  
25       ~~[(b)]~~ **(b)** The court determines that justice does not require the  
26 enforcement of the forfeiture.

27       **2.** *If the court sets aside a forfeiture pursuant to subsection 1*  
28 *and the forfeiture includes any undertaking or money deposited*  
29 *instead of bail bond where the defendant has been charged with a*  
30 *gross misdemeanor or felony, the court shall make a written*  
31 *finding in support of setting aside the forfeiture. The court shall*  
32 *mail a copy of the order setting aside the forfeiture to the Office of*  
33 *Court Administrator immediately upon entry of the order.*

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

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



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

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

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

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

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

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

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

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

24 **Sec. 9.** NRS 179.225 is hereby amended to read as follows:

25 179.225 1. If the punishment of the crime is the confinement  
26 of the criminal in prison, the expenses must be paid from money  
27 appropriated to the Office of the Attorney General for that purpose,  
28 upon approval by the State Board of Examiners. After the  
29 appropriation is exhausted, the expenses must be paid from the  
30 Reserve for Statutory Contingency Account upon approval by  
31 the State Board of Examiners. In all other cases, they must be paid  
32 out of the county treasury in the county wherein the crime is alleged  
33 to have been committed. The expenses are:

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

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

40 (c) If the prisoner is temporarily returned for prosecution to this  
41 state from another state pursuant to this chapter or chapter 178 of  
42 NRS and is then returned to the sending state upon completion of  
43 the prosecution, the fees paid to the officers and agents of this  
44 state,



1 and the necessary traveling expenses and subsistence allowances in  
2 the amounts authorized by NRS 281.160 incurred in returning the  
3 prisoner.

4 2. If a person is returned to this state pursuant to this chapter or  
5 chapter 178 of NRS and is convicted of, or pleads guilty, guilty but  
6 mentally ill or nolo contendere to the criminal charge for which he  
7 was returned or a lesser criminal charge, the court shall conduct an  
8 investigation of the financial status of the person to determine his  
9 ability to make restitution. In conducting the investigation, the court  
10 shall determine if the person is able to pay any existing obligations  
11 for:

- 12 (a) Child support;
- 13 (b) Restitution to victims of crimes; and
- 14 (c) Any administrative assessment required to be paid pursuant  
15 to NRS 62.2175, 176.059 , **176.0611** and 176.062 ~~§~~ **and section 1**  
16 **of this act.**

17 3. If the court determines that the person is financially able to  
18 pay the obligations described in subsection 2, it shall, in addition to  
19 any other sentence it may impose, order the person to make  
20 restitution for the expenses incurred by the Attorney General or  
21 other governmental entity in returning him to this state. The court  
22 shall not order the person to make restitution if payment of  
23 restitution will prevent him from paying any existing obligations  
24 described in subsection 2. Any amount of restitution remaining  
25 unpaid constitutes a civil liability arising upon the date of the  
26 completion of his sentence.

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

29 **Sec. 10.** NRS 1.360 is hereby amended to read as follows:

30 1.360 Under the direction of the Supreme Court, the Court  
31 Administrator shall:

32 1. Examine the administrative procedures employed in the  
33 offices of the judges, clerks, court reporters and employees of all  
34 courts of this state and make recommendations, through the Chief  
35 Justice, for the improvement of those procedures;

36 2. Examine the condition of the dockets of the courts and  
37 determine the need for assistance by any court;

38 3. Make recommendations to and carry out the directions of the  
39 Chief Justice relating to the assignment of district judges where  
40 district courts are in need of assistance;

41 4. Develop a uniform system for collecting and compiling  
42 statistics and other data regarding the operation of the state court  
43 system and transmit that information to the Supreme Court so that  
44 proper action may be taken in respect thereto;



1 5. Prepare and submit a budget of state appropriations  
2 necessary for the maintenance and operation of the state court  
3 system and make recommendations in respect thereto;

4 6. Develop procedures for accounting, internal auditing,  
5 procurement and disbursement for the state court system;

6 7. Collect statistical and other data and make reports relating to  
7 the expenditure of all public money for the maintenance and  
8 operation of the state court system and the offices connected  
9 therewith;

10 8. Compile statistics from the information required to be  
11 maintained by the clerks of the district courts pursuant to NRS 3.275  
12 and make reports as to the cases filed in the district courts;

13 9. Formulate and submit to the Supreme Court  
14 recommendations of policies or proposed legislation for the  
15 improvement of the state court system;

16 10. On or before January 1 of each year, submit to the Director  
17 of the Legislative Counsel Bureau a written report compiling the  
18 information submitted to the Court Administrator pursuant to NRS  
19 3.243, 4.175 and 5.045 during the immediately preceding fiscal  
20 year;

21 11. *On or before January 1 of each odd-numbered year,*  
22 *submit to the Director of the Legislative Counsel Bureau a written*  
23 *report concerning:*

24 *(a) The distribution of money deposited in the special account*  
25 *created pursuant to section 1 of this act to assist with funding and*  
26 *establishing specialty court programs;*

27 *(b) The current status of any specialty court programs to*  
28 *which money from the account was allocated since the last report;*  
29 *and*

30 *(c) Such other related information as the Court Administrator*  
31 *deems appropriate;*

32 12. On or before February 15 of each odd-numbered year,  
33 submit to the Governor and to the Director of the Legislative  
34 Counsel Bureau for transmittal to the next regular session of the  
35 Legislature a written report compiling the information submitted by  
36 clerks of courts to the Court Administrator pursuant to NRS 630.307  
37 and 633.533 which includes only aggregate information for  
38 statistical purposes and excludes any identifying information related  
39 to a particular person; and

40 ~~12.~~ 13. Attend to such other matters as may be assigned by  
41 the Supreme Court or prescribed by law.

42 **Sec. 11.** NRS 211.245 is hereby amended to read as follows:

43 211.245 1. If a prisoner fails to make a payment within 10  
44 days after it is due, the district attorney for a county or the city



1 attorney for an incorporated city may file a civil action in any court  
2 of competent jurisdiction within this state seeking recovery of:  
3 (a) The amount of reimbursement due;  
4 (b) Costs incurred in conducting an investigation of the financial  
5 status of the prisoner; and  
6 (c) Attorney's fees and costs.  
7 2. A civil action brought pursuant to this section must:  
8 (a) Be instituted in the name of the county or city in which the  
9 jail, detention facility or alternative program is located;  
10 (b) Indicate the date and place of sentencing, including, without  
11 limitation, the name of the court which imposed the sentence;  
12 (c) Include the record of judgment of conviction, if available;  
13 (d) Indicate the length of time served by the prisoner and, if he  
14 has been released, the date of his release; and  
15 (e) Indicate the amount of reimbursement that the prisoner owes  
16 to the county or city.  
17 3. The county or city treasurer of the county or incorporated  
18 city in which a prisoner is or was confined shall determine the  
19 amount of reimbursement that the prisoner owes to the city or  
20 county. The county or city treasurer may render a sworn statement  
21 indicating the amount of reimbursement that the prisoner owes and  
22 submit the statement in support of a civil action brought pursuant to  
23 this section. Such a statement is prima facie evidence of the amount  
24 due.  
25 4. A court in a civil action brought pursuant to this section may  
26 award a money judgment in favor of the county or city in whose  
27 name the action was brought.  
28 5. If necessary to prevent the disposition of the prisoner's  
29 property by the prisoner, or his spouse or agent, a county or city  
30 may file a motion for a temporary restraining order. The court may,  
31 without a hearing, issue ex parte orders restraining any person from  
32 transferring, encumbering, hypothecating, concealing or in any way  
33 disposing of any property of the prisoner, real or personal, whether  
34 community or separate, except for necessary living expenses.  
35 6. The payment, pursuant to a judicial order, of existing  
36 obligations for:  
37 (a) Child support or alimony;  
38 (b) Restitution to victims of crimes; and  
39 (c) Any administrative assessment required to be paid pursuant  
40 to NRS 62.2175, 176.059 , *176.0611* and 176.062 ~~§~~ *and section 1*  
41 *of this act,*  
42 has priority over the payment of a judgment entered pursuant to this  
43 section.





1     **Sec. 12.** NRS 249.085 is hereby amended to read as follows:  
2     249.085 On or before the 15th day of each month, the county  
3 treasurer shall report to the State Controller the amount of the  
4 administrative assessments paid by each justices' court for the  
5 preceding month pursuant to NRS 176.059 ~~§~~ *and section 1 of this*  
6 *act.*  
7     **Sec. 13.** This act becomes effective on July 1, 2003.

Ⓢ

