

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.

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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 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*



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 an administrative assessment for*
2 *the provision of specialty court programs in justices' courts must*
3 *be paid by the clerk of the court to the county treasurer on or*
4 *before the fifth day of each month for the preceding month. On or*
5 *before the 15th day of that month, the county treasurer shall*
6 *deposit the money received for each administrative assessment*
7 *with the State Controller for credit to a special account in the State*
8 *General Fund administered by the 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.....	15 25
6 50 to 59.....	30 40
7 60 to 69.....	35 45
8 70 to 79.....	40 50
9 80 to 89.....	45 55
10 90 to 99.....	50 60
11 100 to 199.....	60 70
12 200 to 299.....	70 80
13 300 to 399.....	80 90
14 400 to 499.....	90 100
15 500 to 1,000.....	105 115

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 bail is
40 forfeited, the administrative assessment included in the amount
41 posted for bail pursuant to this subsection must be disbursed in the
42 manner set forth in subsection 6 or 7.* If the defendant is found not
43 guilty or the charges are dismissed, the money deposited with the
44 court must be returned to the defendant. If the justice or judge
45 cancels a fine because the fine has been determined to be



1 uncollectible, any balance of the fine and the administrative
2 assessment remaining unpaid shall be deemed to be uncollectible
3 and the defendant is not required to pay it. If a fine is determined to
4 be uncollectible, the defendant is not entitled to a refund of the fine
5 or administrative assessment he has paid and the justice or judge
6 shall not recalculate the administrative assessment.

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

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

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

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

17 (d) To pay the fine.

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

24 (a) Acquire land on which to construct additional facilities for
25 the municipal courts or a regional justice center that includes the
26 municipal courts.

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

29 (c) Renovate or remodel existing facilities for the municipal
30 courts.

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

37 (e) Acquire advanced technology for use in the additional or
38 renovated facilities.

39 (f) Pay debt service on any bonds issued pursuant to subsection
40 3 of NRS 350.020 for the acquisition of land or facilities or the
41 construction or renovation of facilities for the municipal courts or a
42 regional justice center that includes the municipal courts.

43 Any money remaining in the special revenue fund after 5 fiscal
44 years must be deposited in the municipal general fund for the
45 continued maintenance of court facilities if it has not been



1 committed for expenditure pursuant to a plan for the construction or
2 acquisition of court facilities or improvements to court facilities.
3 The city treasurer shall provide, upon request by a municipal court,
4 monthly reports of the revenue credited to and expenditures made
5 from the special revenue fund.

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

12 (a) Acquire land on which to construct additional facilities for
13 the justices' courts or a regional justice center that includes the
14 justices' courts.

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

17 (c) Renovate or remodel existing facilities for the justices'
18 courts.

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

25 (e) Acquire advanced technology for use in the additional or
26 renovated facilities.

27 (f) Pay debt service on any bonds issued pursuant to subsection
28 3 of NRS 350.020 for the acquisition of land or facilities or the
29 construction or renovation of facilities for the justices' courts or a
30 regional justice center that includes the justices' courts.

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

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



1 **Sec. 4.** NRS 178.502 is hereby amended to read as follows:
2 178.502 1. A person required or permitted to give bail shall
3 execute a bond for his appearance. The magistrate or court or judge
4 or justice, having regard to the considerations set forth in NRS
5 178.498, may require one or more sureties or may authorize the
6 acceptance of cash or bonds or notes of the United States in an
7 amount equal to or less than the face amount of the bond.
8 2. Any bond or undertaking for bail must provide that the bond
9 or undertaking ~~[extends, for a period of at least 1 year unless bail is~~
10 ~~exonerated earlier pursuant to the provisions of subsection 4.]~~ :
11 (a) *Extends* to any action or proceeding in a justice's court,
12 municipal court or district court:
13 ~~[(a)]~~ (1) Arising from the charge on which bail was first given
14 in any of these courts; and
15 ~~[(b)]~~ (2) Arising from a later charge, filed before the expiration
16 of the periods provided in subsection 4, which is substantially
17 similar to the charge upon which bail was first given and is based
18 upon the same act or omission as that charge ~~[(1)]~~; and
19 (b) *Remains in effect until exonerated by the court.*
20 This subsection does not require that any bond or undertaking
21 extend to proceedings on appeal.
22 3. If an action or proceeding against a defendant who has been
23 admitted to bail is transferred to another trial court, the bond or
24 undertaking must be transferred to the clerk of the court to which
25 the action or proceeding has been transferred.
26 4. If the action or proceeding against a defendant who has been
27 admitted to bail is dismissed, the bail must not be exonerated until a
28 period of 30 days has elapsed from the entry of the order of
29 dismissal unless the defendant requests that bail be exonerated
30 before the expiration of the 30-day period. If no formal action or
31 proceeding is instituted against a defendant who has been admitted
32 to bail, the bail must not be exonerated until a period of 30 days has
33 elapsed from the day the bond or undertaking is posted unless the
34 defendant requests that bail be exonerated before the expiration of
35 the 30-day period.
36 5. If, within the periods provided in subsection 4, the defendant
37 is charged with a public offense arising out of the same act or
38 omission supporting the charge upon which bail was first given, the
39 prosecuting attorney shall forthwith notify the clerk of the court
40 where the bond was posted, the bail must be applied to the public
41 offense later charged, and the bond or undertaking must be
42 transferred to the clerk of the appropriate court. Within 10 days after
43 its receipt, the clerk of the court to whom the bail is transferred shall
44 mail notice of the transfer to the surety on the bond and the bail
45 agent who executed the bond.



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



1 or depositor did not in any way cause or aid the absence of the
2 defendant.

3 **Sec. 6.** NRS 178.512 is hereby amended to read as follows:

4 178.512 **1.** The court shall not set aside a forfeiture unless:

5 ~~[(a)]~~ (a) The surety submits an application to set it aside on the
6 ground that the defendant:

7 ~~[(a)]~~ (1) Has appeared before the court since the date of the
8 forfeiture and has presented a satisfactory excuse for his absence;

9 ~~[(b)]~~ (2) Was dead before the date of the forfeiture but the
10 surety did not know and could not reasonably have known of his
11 death before that date;

12 ~~[(c)]~~ (3) Was unable to appear before the court before the date
13 of the forfeiture because of his illness or his insanity, but the surety
14 did not know and could not reasonably have known of his illness or
15 insanity before that date;

16 ~~[(d)]~~ (4) Was unable to appear before the court before the date
17 of the forfeiture because he was being detained by civil or military
18 authorities, but the surety did not know and could not reasonably
19 have known of his detention before that date; or

20 ~~[(e)]~~ (5) Was unable to appear before the court before the date
21 of the forfeiture because he was deported, but the surety did not
22 know and could not reasonably have known of his deportation
23 before that date,

24 and the court, upon hearing the matter, determines that one or more
25 of the grounds described in this subsection exist and that the surety
26 did not in any way cause or aid the absence of the defendant; and

27 ~~[(2)]~~ (b) The court determines that justice does not require the
28 enforcement of the forfeiture.

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

36 **Sec. 7.** NRS 178.514 is hereby amended to read as follows:

37 178.514 **1.** When a forfeiture has not been set aside, the court
38 shall on motion enter a judgment of default and execution may issue
39 thereon.

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



1 *court. Not later than 30 days after receipt of the request from the*
2 *Office of Court Administrator, the court shall enter judgment by*
3 *default and commence execution proceedings therein.*

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

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

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

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

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

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

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

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

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

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

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

41 (c) If the prisoner is temporarily returned for prosecution to this
42 state from another state pursuant to this chapter or chapter 178 of
43 NRS and is then returned to the sending state upon completion of
44 the prosecution, the fees paid to the officers and agents of this
45 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.

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