

ASSEMBLY BILL NO. 461—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE PEACE OFFICERS STANDARDS AND TRAINING COMMISSION)

MARCH 24, 2003

Referred to Committee on Ways and Means

SUMMARY—Provides that certain money may be distributed to Peace Officers’ Standards and Training Commission and used for certain purposes. (BDR 14-504)

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 the Peace Officers’ Standards and Training Commission; providing that certain money may be distributed to the Peace Officers’ Standards and Training Commission and used for certain purposes; and providing other matters properly relating thereto.

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

1 Section 1. NRS 176.059 is hereby amended to read as follows:
2 176.059 1. Except as otherwise provided in subsection 2,
3 when a defendant pleads guilty or guilty but mentally ill or is found
4 guilty of a misdemeanor, including the violation of any municipal
5 ordinance, the justice or judge shall include in the sentence the sum
6 prescribed by the following schedule as an administrative
7 assessment and render a judgment against the defendant for the
8 assessment:
9

	Fine	Assessment
10	\$5 to \$49.....	\$15
11	50 to 59.....	30
12	60 to 69.....	35
13		



1	70 to 79.....	\$40
2	80 to 89.....	45
3	90 to 99.....	50
4	100 to 199.....	60
5	200 to 299.....	70
6	300 to 399.....	80
7	400 to 499.....	90
8	500 to 1,000.....	105

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

14 3. The money collected for an administrative assessment must

15 not be deducted from the fine imposed by the justice or judge but

16 must be taxed against the defendant in addition to the fine. The

17 money collected for an administrative assessment must be stated

18 separately on the court's docket and must be included in the amount

19 posted for bail. If the defendant is found not guilty or the charges

20 are dismissed, the money deposited with the court must be returned

21 to the defendant. If the justice or judge cancels a fine because the

22 fine has been determined to be uncollectible, any balance of the fine

23 and the administrative assessment remaining unpaid shall be

24 deemed to be uncollectible and the defendant is not required to pay

25 it. If a fine is determined to be uncollectible, the defendant is not

26 entitled to a refund of the fine or administrative assessment he has

27 paid and the justice or judge shall not recalculate the administrative

28 assessment.

29 4. If the justice or judge permits the fine and administrative

30 assessment to be paid in installments, the payments must be first

31 applied to the unpaid balance of the administrative assessment. The

32 city treasurer shall distribute partially collected administrative

33 assessments in accordance with the requirements of subsection 5.

34 The county treasurer shall distribute partially collected

35 administrative assessments in accordance with the requirements of

36 subsection 6.

37 5. The money collected for administrative assessments in

38 municipal court must be paid by the clerk of the court to the city

39 treasurer on or before the fifth day of each month for the preceding

40 month. The city treasurer shall distribute, on or before the 15th day

41 of that month, the money received in the following amounts for each

42 assessment received:

- 43 (a) Two dollars to the county treasurer for credit to a special
- 44 account in the county general fund for the use of the county's
- 45 juvenile court or for services to juvenile offenders. Any money



1 remaining in the special account after 2 fiscal years must be
2 deposited in the county general fund if it has not been committed for
3 expenditure. The county treasurer shall provide, upon request by a
4 juvenile court, monthly reports of the revenue credited to and
5 expenditures made from the special account.

6 (b) Seven dollars for credit to a special revenue fund for the use
7 of the municipal courts. Any money remaining in the special
8 revenue fund after 2 fiscal years must be deposited in the municipal
9 general fund if it has not been committed for expenditure. The city
10 treasurer shall provide, upon request by a municipal court, monthly
11 reports of the revenue credited to and expenditures made from the
12 special revenue fund.

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

15 6. The money collected for administrative assessments in
16 justices' courts must be paid by the clerk of the court to the county
17 treasurer on or before the fifth day of each month for the preceding
18 month. The county treasurer shall distribute, on or before the 15th
19 day of that month, the money received in the following amounts for
20 each assessment received:

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

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

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

37 7. The money apportioned to a juvenile court, a justice's court
38 or a municipal court pursuant to this section must be used, in
39 addition to providing services to juvenile offenders in the juvenile
40 court, to improve the operations of the court, or to acquire
41 appropriate advanced technology or the use of such technology, or
42 both. Money used to improve the operations of the court may
43 include expenditures for:

44 (a) Training and education of personnel;

45 (b) Acquisition of capital goods;



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- 1 (c) Management and operational studies; or
- 2 (d) Audits.

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

7 (a) Not less than 51 percent to the Office of the Court
8 Administrator for allocation as follows:

9 (1) Eighteen and one-half percent of the amount distributed
10 to the Office of the Court Administrator for the administration of the
11 courts.

12 (2) Nine percent of the amount distributed to the Office of
13 the Court Administrator for the development of a uniform system
14 for judicial records.

15 (3) Nine percent of the amount distributed to the Office of
16 the Court Administrator for continuing judicial education.

17 (4) Sixty percent of the amount distributed to the Office of
18 the Court Administrator for the Supreme Court.

19 (5) Three and one-half percent of the amount distributed to
20 the Office of the Court Administrator for the payment for the
21 services of retired justices and retired district judges.

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

24 (1) The Central Repository for Nevada Records of Criminal
25 History;

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

27 (3) The operation by the Nevada Highway Patrol of a
28 computerized switching system for information related to law
29 enforcement;

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

31 (5) The Advisory Council for Prosecuting Attorneys.

32 9. *Any money distributed to the Peace Officers' Standards*
33 *and Training Commission pursuant to subparagraph (2) of*
34 *paragraph (b) of subsection 8 that remains unspent at the end of a*
35 *fiscal year and any amounts available for expenditure pursuant to*
36 *paragraph (b) of subsection 8 but not authorized for expenditure*
37 *in that fiscal year, not to exceed 30 percent of the legislatively*
38 *approved budget of the Commission for the ensuing fiscal year,*
39 *must be placed in a reserve account for the Commission. Money in*
40 *the reserve account must be used, to the extent of legislative*
41 *authorization, for the training and education of peace officers,*
42 *acquisition of capital goods, performance of audits, and*
43 *establishment and maintenance of a public safety training center.*

44 10. As used in this section, "juvenile court" means:



- 1 (a) In any judicial district that includes a county whose
2 population is 100,000 or more, the family division of the district
3 court; or
4 (b) In any other judicial district, the juvenile division of the
5 district court.
6 **Sec. 2.** This act becomes effective on July 1, 2003.

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