

SENATE BILL NO. 107—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE NEVADA JUDGES ASSOCIATION)

FEBRUARY 13, 2003

Referred to Committee on Judiciary

SUMMARY—Changes limitation on period of time in which county or city may authorize imposition of certain administrative assessments for provision of court facilities. (BDR 14-415)

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 courts; changing the limitation on the period of time in which a county or city may authorize justices or judges of justices' or municipal courts to impose an administrative assessment for the provision of court facilities; 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 176.0611 is hereby amended to read as
2 follows:

3 176.0611 1. A county or a city, upon recommendation of the
4 appropriate court, may, by ordinance, authorize the justices or
5 judges of the justices' or municipal courts within its jurisdiction to
6 impose for not longer than ~~25~~ 50 years, in addition to an
7 administrative assessment imposed pursuant to NRS 176.059, an
8 administrative assessment for the provision of court facilities.

9 2. Except as otherwise provided in subsection 3, in any
10 jurisdiction in which an administrative assessment for the provision
11 of court facilities has been authorized, when a defendant pleads
12 guilty or guilty but mentally ill or is found guilty of a misdemeanor,



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1 including the violation of any municipal ordinance, the justice or
2 judge shall include in the sentence the sum of \$10 as an
3 administrative assessment for the provision of court facilities and
4 render a judgment against the defendant for the assessment.

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

6 (a) An ordinance regulating metered parking; or

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

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

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

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

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

31 (c) To pay the fine.

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

38 (a) Acquire land on which to construct additional facilities for
39 the municipal courts or a regional justice center that includes the
40 municipal courts.

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

43 (c) Renovate or remodel existing facilities for the municipal
44 courts.



1 (d) Acquire furniture, fixtures and equipment necessitated by the
2 construction or acquisition of additional facilities or the renovation
3 of an existing facility for the municipal courts or a regional justice
4 center that includes the municipal courts. This paragraph does not
5 authorize the expenditure of money from the fund for furniture,
6 fixtures or equipment for judicial chambers.

7 (e) Acquire advanced technology for use in the additional or
8 renovated facilities.

9 (f) Pay debt service on any bonds issued pursuant to subsection
10 3 of NRS 350.020 for the acquisition of land or facilities or the
11 construction or renovation of facilities for the municipal courts or a
12 regional justice center that includes the municipal courts.

13 Any money remaining in the special revenue fund after 5 fiscal
14 years must be deposited in the municipal general fund for the
15 continued maintenance of court facilities if it has not been
16 committed for expenditure pursuant to a plan for the construction or
17 acquisition of court facilities or improvements to court facilities.
18 The city treasurer shall provide, upon request by a municipal court,
19 monthly reports of the revenue credited to and expenditures made
20 from the special revenue fund.

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

27 (a) Acquire land on which to construct additional facilities for
28 the justices' courts or a regional justice center that includes the
29 justices' courts.

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

32 (c) Renovate or remodel existing facilities for the justices'
33 courts.

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

40 (e) Acquire advanced technology for use in the additional or
41 renovated facilities.

42 (f) Pay debt service on any bonds issued pursuant to subsection
43 3 of NRS 350.020 for the acquisition of land or facilities or the
44 construction or renovation of facilities for the justices' courts or a
45 regional justice center that includes the justices' courts.



1 Any money remaining in the special revenue fund after 5 fiscal
2 years must be deposited in the county general fund for the continued
3 maintenance of court facilities if it has not been committed for
4 expenditure pursuant to a plan for the construction or acquisition of
5 court facilities or improvements to court facilities. The county
6 treasurer shall provide, upon request by a justice's court, monthly
7 reports of the revenue credited to and expenditures made from the
8 special revenue fund.

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

16 **Sec. 2.** This act becomes effective upon passage and approval.

