

SENATE BILL NO. 120—SENATOR SCHEIBLE

PREFILED JANUARY 28, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the administration of justice. (BDR 1-711)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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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 administration of justice; requiring a court to allow a person to enter into a payment plan with the court to pay a fine, administrative assessment, fee or other monetary penalty under certain circumstances; prescribing requirements for such payment plans; prohibiting a court from taking certain actions if a person defaults on a payment plan; prohibiting a court from ordering a defendant for whom an attorney is appointed at public expense to pay any part of the expenses incurred in providing the defendant with an attorney; repealing provisions that authorize the recoupment of certain expenses incurred by a county or city or the State for the provision of indigent defense services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes a court to: (1) impose certain fines, administrative
- 2 assessments, fees and other monetary penalties under certain circumstances; and (2)
- 3 take certain actions relating to the collection of any such fine, administrative
- 4 assessment, fee or other monetary penalty. (*See, e.g., NRS 62E.430, 176.059-*
- 5 *176.087, 193.130, 484A.7043*) **Section 1** of this bill provides that, notwithstanding
- 6 any other provision of law or court rule, a court that imposes a fine, administrative
- 7 assessment, fee or other monetary penalty upon a person must allow the person to
- 8 enter into a payment plan with the court to pay all or any part of the fine,
- 9 administrative assessment, fee or other monetary penalty. **Section 1** also: (1)
- 10 prescribes certain requirements and restrictions relating to payment plans; and (2)
- 11 prohibits a court from taking certain actions in the event of a default.
- 12 **Section 5** of this bill repeals provisions of existing law that authorize a court to
- 13 order a defendant for whom an attorney is appointed at public expense to pay all or



14 any part of the expenses incurred by the county, city or State in providing the
15 defendant with an attorney. (NRS 178.3975-178.39802) Instead, **section 2** of this
16 bill prohibits a court from ordering a defendant for whom an attorney is appointed
17 at public expense to pay any part of the expenses incurred in providing the
18 defendant with an attorney. **Sections 3 and 4** of this bill make conforming changes
19 to reflect the repeal of certain sections by **section 5**.

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

1 **Section 1.** Chapter 1 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Notwithstanding any other provision of law or court rule, if*
4 *a court imposes a fine, administrative assessment, fee or other*
5 *monetary penalty upon a person, the court shall:*

6 *(a) Before collecting any such fine, administrative assessment,*
7 *fee or other monetary penalty, notify the person that the person*
8 *may enter into a payment plan with the court to pay the fine,*
9 *administrative assessment, fee or other monetary penalty in*
10 *monthly payments; and*

11 *(b) Upon request of the person, allow the person to enter into a*
12 *payment plan with the court to pay all or any part of the fine,*
13 *administrative assessment, fee or other monetary penalty.*

14 *2. If a person who requests to enter into a payment plan*
15 *pursuant to subsection 1 is a party in any other case pending*
16 *within the jurisdiction or was a party in a previously decided case*
17 *within the jurisdiction in which a fine, administrative assessment,*
18 *fee or other monetary penalty was imposed against the person, the*
19 *court shall create a unified payment plan that incorporates the*
20 *total amount due for all cases combined.*

21 *3. A payment plan entered into pursuant to subsection 1 or 2*
22 *must include, without limitation, a payment schedule that specifies*
23 *the:*

24 *(a) Total amount due;*

25 *(b) Amount of each monthly payment, which must not exceed*
26 *2 percent of the gross monthly income of the person or \$10,*
27 *whichever is greater; and*

28 *(c) Date on which each payment is due.*

29 *4. A payment plan entered into pursuant to subsection 1 or 2*
30 *must not:*

31 *(a) Include any interest or fees in addition to the fine,*
32 *administrative assessment, fee or other monetary penalty imposed*
33 *on the person by the court; or*

34 *(b) Require a person sentenced to a term of imprisonment in a*
35 *county or city jail or in the state prison to make any payment until*



1 *at least 6 months after the date on which person is released from*
2 *custody.*

3 *5. If a person with whom the court enters into a payment plan*
4 *pursuant to subsection 1 or 2 timely submits at least 12 payments*
5 *within 15 months after making the initial payment required by the*
6 *payment plan, the court shall discharge the unpaid balance of any*
7 *fine, administrative assessment, fee or other monetary penalty*
8 *included under the terms of the payment plan.*

9 *6. If a person with whom the court enters into a payment plan*
10 *pursuant to subsection 1 or 2 fails to make a payment on or before*
11 *the date specified pursuant to paragraph (c) of subsection 3, the*
12 *court shall, as soon as practicable after the due date of the missed*
13 *payment, notify the person in writing of the default. Such notice*
14 *must include, without limitation, information concerning the*
15 *process by which a person may petition the court to reduce the*
16 *fine, administrative assessment, fee or other monetary penalty or*
17 *revise the payment schedule.*

18 *7. If a person defaults under a payment plan, the court:*

19 *(a) May, on its own motion or upon petition:*

20 *(1) Reduce the fine, administrative assessment, fee or other*
21 *monetary penalty if the court determines that the fine,*
22 *administrative assessment, fee or other monetary penalty is*
23 *excessive in relation to the financial resources of the person;*

24 *(2) Revise the payment plan if the court determines that the*
25 *monthly payments specified in the payment schedule are not*
26 *within the present financial ability of the person; or*

27 *(3) In lieu of all or a part of any fine, administrative*
28 *assessment, fee or other monetary penalty, order the person to*
29 *perform community service.*

30 *(b) Shall not:*

31 *(1) Accelerate the payment schedule specified in the*
32 *payment plan;*

33 *(2) Except as otherwise provided in subparagraph (3),*
34 *impose any charges for late payment or costs for collecting a past*
35 *due payment; or*

36 *(3) Contract with a collection agency to collect any*
37 *delinquent amount owed unless the court determines that the*
38 *person has the ability to pay the amount due and is willfully*
39 *avoiding payment.*

40 *8. A court may adopt any rules and procedures necessary to*
41 *implement the provisions of this section.*

42 *9. The provisions of this section do not apply to any amount*
43 *of money owed by a person for restitution.*



1 **Sec. 2.** Chapter 178 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A court shall not order a defendant for whom an attorney is*
4 *appointed at public expense on account of indigency to pay any*
5 *part of the expenses incurred by the county, city or State in*
6 *providing the defendant with an attorney.*

7 **Sec. 3.** NRS 239.010 is hereby amended to read as follows:

8 239.010 1. Except as otherwise provided in this section and
9 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
10 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
11 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
12 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
13 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
14 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
15 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
16 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
17 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
18 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
19 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245,
20 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156,
21 176A.630, ~~178.39801,~~ 178.4715, 178.5691, 178.5717, 179.495,
22 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772,
23 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,
24 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,
25 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
26 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615,
27 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570,
28 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300,
29 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,
30 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
31 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264,
32 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130,
33 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910,
34 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680,
35 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
36 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
37 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
38 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110,
39 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593,
40 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
41 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240,
42 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138,
43 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300,
44 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626,
45 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750,



1 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120,
2 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317,
3 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975,
4 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143,
5 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685,
6 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
7 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
8 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205,
9 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430,
10 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
11 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116,
12 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
13 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
14 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245,
15 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164,
16 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,
17 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,
18 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063,
19 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363,
20 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833,
21 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285,
22 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,
23 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710,
24 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315,
25 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137,
26 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
27 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671,
28 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327,
29 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415,
30 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716,
31 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169,
32 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085,
33 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183,
34 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220,
35 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
36 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090,
37 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170,
38 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
39 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050,
40 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
41 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
42 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900,
43 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
44 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480,
45 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,



1 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
2 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
3 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
4 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
5 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
6 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
7 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
8 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
9 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
10 unless otherwise declared by law to be confidential, all public books
11 and public records of a governmental entity must be open at all
12 times during office hours to inspection by any person, and may be
13 fully copied or an abstract or memorandum may be prepared from
14 those public books and public records. Any such copies, abstracts or
15 memoranda may be used to supply the general public with copies,
16 abstracts or memoranda of the records or may be used in any other
17 way to the advantage of the governmental entity or of the general
18 public. This section does not supersede or in any manner affect the
19 federal laws governing copyrights or enlarge, diminish or affect in
20 any other manner the rights of a person in any written book or
21 record which is copyrighted pursuant to federal law.

22 2. A governmental entity may not reject a book or record
23 which is copyrighted solely because it is copyrighted.

24 3. A governmental entity that has legal custody or control of a
25 public book or record shall not deny a request made pursuant to
26 subsection 1 to inspect or copy or receive a copy of a public book or
27 record on the basis that the requested public book or record contains
28 information that is confidential if the governmental entity can
29 redact, delete, conceal or separate, including, without limitation,
30 electronically, the confidential information from the information
31 included in the public book or record that is not otherwise
32 confidential.

33 4. If requested, a governmental entity shall provide a copy of a
34 public record in an electronic format by means of an electronic
35 medium. Nothing in this subsection requires a governmental entity
36 to provide a copy of a public record in an electronic format or by
37 means of an electronic medium if:

- 38 (a) The public record:
39 (1) Was not created or prepared in an electronic format; and
40 (2) Is not available in an electronic format; or
41 (b) Providing the public record in an electronic format or by
42 means of an electronic medium would:
43 (1) Give access to proprietary software; or



1 (2) Require the production of information that is confidential
2 and that cannot be redacted, deleted, concealed or separated from
3 information that is not otherwise confidential.

4 5. An officer, employee or agent of a governmental entity who
5 has legal custody or control of a public record:

6 (a) Shall not refuse to provide a copy of that public record in the
7 medium that is requested because the officer, employee or agent has
8 already prepared or would prefer to provide the copy in a different
9 medium.

10 (b) Except as otherwise provided in NRS 239.030, shall, upon
11 request, prepare the copy of the public record and shall not require
12 the person who has requested the copy to prepare the copy himself
13 or herself.

14 **Sec. 4.** NRS 244.207 is hereby amended to read as follows:

15 244.207 1. Notwithstanding any other provision of law, the
16 boards of county commissioners in their respective counties may
17 establish by ordinance central receiving and disbursing systems for
18 the handling of county money and money held in trust by the county
19 or by any of its elected or appointed officers. Such systems may
20 include, but are not limited to, the following:

21 (a) The commingling of all the money from any source if the
22 accounting system employed supplies full information concerning
23 the sources of the money.

24 (b) The elimination of departmental accounts in an insured bank,
25 credit union, savings and loan association or savings bank by
26 commingling the money in an account or accounts maintained by
27 the county treasurer.

28 (c) The elimination of trust accounts in a bank or credit union,
29 created for any reason as long as adequate records are maintained to
30 identify fully all trust money. The money previously held in such
31 trust accounts may be commingled with other money held in
32 accounts maintained in a bank or credit union by the county
33 treasurer.

34 (d) The centralization of all disbursing of all money, including
35 trust money, if the accounting system employed supplies full
36 information concerning the disposition of the money.

37 (e) The centralization of part or all of billing and collection
38 aspects of business licenses, personal property and any other activity
39 of any of the offices of the county that involves billing for services,
40 taxes or fees imposed by statute or ordinance, or the collection of
41 money in payment of such billings.

42 (f) In a county whose population is 100,000 or more, the
43 centralization of part or all of the billing and collection aspects of
44 any fine, fee, bail or forfeiture imposed by a court . ~~and any~~
45 ~~payment ordered by a court pursuant to NRS 178.3975.]~~



1 2. Investment income from the commingled money must be
2 credited to the general fund of the county if other provisions of law
3 or contract do not require other allocation of the investment income.

4 3. This section does not:

5 (a) Eliminate the reporting requirements of various elected and
6 appointed officials relating to the receipt and disposition of money.

7 (b) Limit the right of a local government as defined in NRS
8 354.474, but not including a county, whose money is held in trust by
9 the county to direct the receipt, disbursement and investment of its
10 money independently of the system provided for in this section,
11 where the independent direction is otherwise authorized by law.

12 **Sec. 5.** NRS 178.3975, 178.398, 178.39801 and 178.39802 are
13 hereby repealed.

LEADLINES OF REPEALED SECTIONS

178.3975 Order for payment by defendant; remission of
payment; disposition of amounts recovered; community service.

178.398 Execution against defendant's property.

178.39801 Collection of fee by certain entities.

178.39802 Additional costs and fees for collection.

