

ASSEMBLY BILL NO. 106—COMMITTEE ON JUDICIARY

(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

FEBRUARY 12, 2001

Referred to Concurrent Committees on Judiciary
and Ways and Means

SUMMARY—Makes various changes to provisions governing collection of delinquent fines, administrative assessments, fees and restitution. (BDR 14-524)

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 judgments; increasing the amount that may be imposed by a court for a collection fee; authorizing certain governmental entities to recover the actual cost of using a collection agency to recover a delinquent fine, administrative assessment, fee or restitution; making various other changes concerning the collection of delinquent fines, administrative assessments, fees and restitution; 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 176.064 is hereby amended to read as follows:
2 176.064 1. If a fine, administrative assessment, fee or restitution is
3 imposed upon a defendant pursuant to this chapter, whether or not the fine,
4 administrative assessment, fee or restitution is in addition to any other
5 punishment, and the fine, administrative assessment, fee or restitution or
6 any part of it remains unpaid after the time established by the court for its
7 payment, the defendant is liable for a collection fee, to be imposed by the
8 court at the time it finds that the fine, administrative assessment, fee or
9 restitution is delinquent ~~1. of:~~
10 ~~—(a) Not more than \$100, if the amount of the delinquency is less than~~
11 ~~\$2,000.~~
12 ~~—(b) Not more than \$500, if the amount of the delinquency is \$2,000 or~~
13 ~~greater, but is less than \$5,000.~~
14 ~~—(c) Ten percent of the amount of the delinquency, if~~ ***in an amount not***
15 ***to exceed*** the amount of the delinquency . ~~is \$5,000 or greater.~~ ***Each time***
16 ***the court finds that the defendant is delinquent in making a payment for***
17 ***a fine, administrative assessment, fee or restitution, the court may impose***



* A B 1 0 6 *

1 *an additional collection fee in an amount not to exceed 20 percent of the*
2 *amount of the current delinquency.*

3 2. A state or local entity that is responsible for collecting a delinquent
4 fine, administrative assessment, fee or restitution may, in addition to
5 attempting to collect the fine, administrative assessment, fee or restitution
6 through any other lawful means, take any or all of the following actions:

7 (a) Report the delinquency to reporting agencies that assemble or
8 evaluate information concerning credit.

9 (b) Request that the court take appropriate action pursuant to
10 subsection 3.

11 (c) Contract with a collection agency licensed pursuant to NRS 649.075
12 to collect the delinquent amount, ~~and~~ the collection fee ~~the~~ *imposed*
13 *pursuant to subsection 1, and any fee to which the* collection agency
14 ~~must be paid as compensation for its services an amount not greater than~~
15 ~~the amount of the collection fee imposed pursuant to subsection 1, in~~
16 ~~accordance with~~ *is entitled to receive pursuant to* the provisions of the
17 contract.

18 3. The court may, on its own motion or at the request of a state or local
19 entity that is responsible for collecting the delinquent fine, administrative
20 assessment, fee or restitution, take any or all of the following actions, in the
21 following order of priority if practicable:

22 (a) Request that a prosecuting attorney undertake collection of the
23 delinquency, including, without limitation, the ~~original~~ *delinquent*
24 amount and ~~the~~ *any* collection fee, *including, without limitation,*
25 *statutory interest, post-judgment interest and court costs,* by attachment
26 or garnishment of the defendant's property, wages or other money
27 receivable.

28 (b) Order the suspension of the driver's license of the defendant. If the
29 defendant does not possess a driver's license, the court may prohibit the
30 defendant from applying for a driver's license for a specified period. If the
31 defendant is already the subject of a court order suspending or delaying the
32 issuance of his driver's license, the court may order the additional
33 suspension or delay, as appropriate, to apply consecutively with the
34 previous order. At the time the court issues an order suspending the
35 driver's license of a defendant pursuant to this paragraph, the court shall
36 require the defendant to surrender to the court all driver's licenses then
37 held by the defendant. The court shall, within 5 days after issuing the order,
38 forward to the department of motor vehicles and public safety the licenses,
39 together with a copy of the order. At the time the court issues an order
40 pursuant to this paragraph delaying the ability of a defendant to apply for a
41 driver's license, the court shall, within 5 days after issuing the order,
42 forward to the department of motor vehicles and public safety a copy of the
43 order. The department of motor vehicles and public safety shall report a
44 suspension pursuant to this paragraph to an insurance company or its agent
45 inquiring about the defendant's driving record, but such a suspension must
46 not be considered for the purpose of rating or underwriting.

47 (c) For a delinquent fine or administrative assessment, order the
48 confinement of the person in the appropriate prison, jail or detention
49 facility, as provided in NRS 176.065 and 176.075.



- 1 4. Money collected from a collection fee imposed pursuant to
2 subsection 1 must be distributed in the following manner:
- 3 (a) ~~{Except as otherwise provided in paragraph (d), if}~~ *If* the money is
4 collected by or on behalf of a municipal court, the money must be
5 deposited in ~~{a special fund}~~ *an account* in the appropriate city treasury.
6 The ~~{city may}~~ *court shall designate the court administrator, clerk of the*
7 *court or another person to* use the money in the ~~{fund}~~ *account* only to
8 develop and implement a program for the collection of fines,
9 administrative assessments, fees and restitution.
- 10 (b) ~~{Except as otherwise provided in paragraph (d), if}~~ *If* the money is
11 collected by or on behalf of a justice's court or district court, the money
12 must be deposited in ~~{a special fund}~~ *an account* in the appropriate county
13 treasury. The ~~{county may}~~ *court shall designate the court administrator,*
14 *clerk of the court or another person to* use the money in the ~~{special fund}~~
15 *account* only to develop and implement a program for the collection of
16 fines, administrative assessments, fees and restitution.
- 17 (c) ~~{Except as otherwise provided in paragraph (d), if}~~ *If* the money is
18 collected by a state entity, the money must be deposited in an account,
19 which is hereby created in the state treasury. The court administrator may
20 use the money in the account only to develop and implement a program for
21 the collection of fines, administrative assessments, fees and restitution in
22 this state.
- 23 ~~{(d) If the money is collected by a collection agency, after the collection~~
24 ~~agency has been paid its fee pursuant to the terms of the contract, any~~
25 ~~remaining money must be deposited in the state, city or county treasury,~~
26 ~~whichever is appropriate, to be used only for the purposes set forth in~~
27 ~~paragraph (a), (b) or (c) of this subsection.}~~
- 28 **Sec. 2.** This act becomes effective on July 1, 2001.

