

SENATE BILL NO. 139—COMMITTEE ON FINANCE

(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

FEBRUARY 15, 2001

Referred to Committee on Finance

SUMMARY—Revise manner in which administrative assessments are distributed.
(BDR 14-515)

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 administrative assessments; revising the manner in which the assessments are distributed; 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, when a
3 defendant pleads guilty or guilty but mentally ill or is found guilty of a
4 misdemeanor, including the violation of any municipal ordinance, the
5 justice or judge shall include in the sentence the sum prescribed by the
6 following schedule as an administrative assessment and render a judgment
7 against the defendant for the assessment:
- | | Fine | Assessment |
|----|--|------------|
| 8 | | |
| 9 | \$5 to \$49..... | \$15 |
| 10 | 50 to 59..... | 30 |
| 11 | 60 to 69..... | 35 |
| 12 | 70 to 79..... | 40 |
| 13 | 80 to 89..... | 45 |
| 14 | 90 to 99..... | 50 |
| 15 | 100 to 199..... | 60 |
| 16 | 200 to 299..... | 70 |
| 17 | 300 to 399..... | 80 |
| 18 | 400 to 499..... | 90 |
| 19 | 500 to 1,000..... | 105 |
| 20 | 2. The provisions of subsection 1 do not apply to: | |
| 21 | (a) An ordinance regulating metered parking; or | |



1 (b) An ordinance which is specifically designated as imposing a civil
2 penalty or liability pursuant to NRS 244.3575 or 268.019.

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

16 4. If the justice or judge permits the fine and administrative assessment
17 to be paid in installments, the payments must be first applied to the unpaid
18 balance of the administrative assessment. The city treasurer shall distribute
19 partially collected administrative assessments in accordance with the
20 requirements of subsection 5. The county treasurer shall distribute partially
21 collected administrative assessments in accordance with the requirements
22 of subsection 6.

23 5. The money collected for administrative assessments in municipal
24 court must be paid by the clerk of the court to the city treasurer on or
25 before the fifth day of each month for the preceding month. The city
26 treasurer shall distribute, on or before the 15th day of that month, the
27 money received in the following amounts for each assessment received:

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

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

41 (c) The remainder of each assessment to the state treasurer for credit to
42 a special account in the state general fund.

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

48 (a) Two dollars for credit to a special account in the county general fund
49 for the use of the county's juvenile court or for services to juvenile



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

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

12 (c) The remainder of each assessment to the state treasurer for credit to
13 a special account in the state general fund.

14 7. The money apportioned to a juvenile court, a justice's court or a
15 municipal court pursuant to this section must be used, in addition to
16 providing services to juvenile offenders in the juvenile court, to improve
17 the operations of the court, or to acquire appropriate advanced technology
18 or the use of such technology, or both. Money used to improve the
19 operations of the court may include expenditures for:

- 20 (a) Training and education of personnel;
- 21 (b) Acquisition of capital goods;
- 22 (c) Management and operational studies; or
- 23 (d) Audits.

24 8. Of the total amount deposited in the state general fund pursuant to
25 subsections 5 and 6, the state controller shall distribute the money received
26 ~~[, to the extent of legislative authorization,]~~ to the following public
27 agencies in the following manner:

28 (a) Not less than 51 percent ~~[must be distributed]~~ to the office of the
29 court administrator for allocation as follows:

30 (1) Eighteen and one-half percent of the amount distributed to the
31 office of the court administrator for the administration of the courts.

32 (2) Nine percent of the amount distributed to the office of the court
33 administrator for the development of a uniform system for judicial records.

34 (3) Nine percent of the amount distributed to the office of the court
35 administrator for continuing judicial education.

36 (4) Sixty percent of the amount distributed to the office of the court
37 administrator for the supreme court.

38 (5) Three and one-half percent of the amount distributed to the office
39 of the court administrator for the payment for the services of retired
40 justices and retired district judges.

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

- 43 (1) The central repository for Nevada records of criminal history;
- 44 (2) The peace officers' standards and training commission;
- 45 (3) The operation by the Nevada highway patrol of a computerized
46 switching system for information related to law enforcement; and
- 47 (4) The fund for the compensation of victims of crime.

48 9. As used in this section, "juvenile court" means:



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

