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FIRST REPRINT

S.B. 139

SENATE BILL NO. 139—COMMITTEE ON FINANCE

(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

FEBRUARY 15, 2001

Referred to Committee on Finance

SUMMARY—Makes various changes to financial administration of courts. (BDR 14-515)

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 administration of the courts; revising the manner in which administrative assessments are distributed to the office of the court administrator; requiring the reduction of appropriations made to the supreme court from the state general fund upon the receipt of certain money from those assessments; 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:	
8	Fine	Assessment
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



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- 1 2. The provisions of subsection 1 do not apply to:
- 2 (a) An ordinance regulating metered parking; or
- 3 (b) An ordinance which is specifically designated as imposing a civil
- 4 penalty or liability pursuant to NRS 244.3575 or 268.019.
- 5 3. The money collected for an administrative assessment must not be
- 6 deducted from the fine imposed by the justice or judge but must be taxed
- 7 against the defendant in addition to the fine. The money collected for an
- 8 administrative assessment must be stated separately on the court's docket
- 9 and must be included in the amount posted for bail. If the defendant is
- 10 found not guilty or the charges are dismissed, the money deposited with the
- 11 court must be returned to the defendant. If the justice or judge cancels a
- 12 fine because the fine has been determined to be uncollectible, any balance
- 13 of the fine and the administrative assessment remaining unpaid shall be
- 14 deemed to be uncollectible and the defendant is not required to pay it. If a
- 15 fine is determined to be uncollectible, the defendant is not entitled to a
- 16 refund of the fine or administrative assessment he has paid and the justice
- 17 or judge shall not recalculate the administrative assessment.
- 18 4. If the justice or judge permits the fine and administrative assessment
- 19 to be paid in installments, the payments must be first applied to the unpaid
- 20 balance of the administrative assessment. The city treasurer shall distribute
- 21 partially collected administrative assessments in accordance with the
- 22 requirements of subsection 5. The county treasurer shall distribute partially
- 23 collected administrative assessments in accordance with the requirements
- 24 of subsection 6.
- 25 5. The money collected for administrative assessments in municipal
- 26 court must be paid by the clerk of the court to the city treasurer on or
- 27 before the fifth day of each month for the preceding month. The city
- 28 treasurer shall distribute, on or before the 15th day of that month, the
- 29 money received in the following amounts for each assessment received:
- 30 (a) Two dollars to the county treasurer for credit to a special account in
- 31 the county general fund for the use of the county's juvenile court or for
- 32 services to juvenile offenders. Any money remaining in the special account
- 33 after 2 fiscal years must be deposited in the county general fund if it has
- 34 not been committed for expenditure. The county treasurer shall provide,
- 35 upon request by a juvenile court, monthly reports of the revenue credited to
- 36 and expenditures made from the special account.
- 37 (b) Seven dollars for credit to a special revenue fund for the use of the
- 38 municipal courts. Any money remaining in the special revenue fund after 2
- 39 fiscal years must be deposited in the municipal general fund if it has not
- 40 been committed for expenditure. The city treasurer shall provide, upon
- 41 request by a municipal court, monthly reports of the revenue credited to
- 42 and expenditures made from the special revenue fund.
- 43 (c) The remainder of each assessment to the state treasurer for credit to
- 44 a special account in the state general fund.
- 45 6. The money collected for administrative assessments in justices'
- 46 courts must be paid by the clerk of the court to the county treasurer on or
- 47 before the fifth day of each month for the preceding month. The county
- 48 treasurer shall distribute, on or before the 15th day of that month, the
- 49 money received in the following amounts for each assessment received:



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

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

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

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

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

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

30 (a) Not less than 51 percent ~~must be distributed~~ to the office of the
31 court administrator for allocation as follows:

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

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

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

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

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

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

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



- 1 9. As used in this section, "juvenile court" means:
2 (a) In any judicial district that includes a county whose population is
3 100,000 or more, the family division of the district court; or
4 (b) In any other judicial district, the juvenile division of the district
5 court.

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

8 *1. Any amount appropriated by the legislature from the state general*
9 *fund for the support or operation of the supreme court during a fiscal*
10 *year must be reduced to the extent that the amount of any administrative*
11 *assessments distributed to the office of the court administrator for*
12 *allocation to the supreme court pursuant to NRS 176.059 exceeds the*
13 *amount which is authorized by the legislature for expenditure from those*
14 *assessments for that fiscal year.*

15 *2. The supreme court shall reserve for reversion each fiscal year the*
16 *amount by which an appropriation from the state general fund must be*
17 *reduced pursuant to subsection 1, and that amount reverts to the state*
18 *general fund upon the close of that fiscal year by the state controller.*

19 **Sec. 3.** Section 1 of Assembly Bill No. 548 of this session is hereby
20 amended to read as follows:

21 Section 1. NRS 176.059 is hereby amended to read as follows:

22 176.059 1. Except as otherwise provided in subsection 2, when
23 a defendant pleads guilty or guilty but mentally ill or is found guilty
24 of a misdemeanor, including the violation of any municipal ordinance,
25 the justice or judge shall include in the sentence the sum prescribed by
26 the following schedule as an administrative assessment and render a
27 judgment against the defendant for the assessment:

28	Fine	Assessment
29		
30	\$5 to \$49	\$15
31	50 to 59	30
32	60 to 69	35
33	70 to 79	40
34	80 to 89	45
35	90 to 99	50
36	100 to 199	60
37	200 to 299	70
38	300 to 399	80
39	400 to 499	90
40	500 to 1,000	105
41		

42 2. The provisions of subsection 1 do not apply to:

- 43 (a) An ordinance regulating metered parking; or
44 (b) An ordinance which is specifically designated as imposing a
45 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

46 3. The money collected for an administrative assessment must not
47 be deducted from the fine imposed by the justice or judge but must be
48 taxed against the defendant in addition to the fine. The money
49 collected for an administrative assessment must be stated separately



1 on the court's docket and must be included in the amount posted for
2 bail. If the defendant is found not guilty or the charges are dismissed,
3 the money deposited with the court must be returned to the defendant.
4 If the justice or judge cancels a fine because the fine has been
5 determined to be uncollectible, any balance of the fine and the
6 administrative assessment remaining unpaid shall be deemed to be
7 uncollectible and the defendant is not required to pay it. If a fine is
8 determined to be uncollectible, the defendant is not entitled to a
9 refund of the fine or administrative assessment he has paid and the
10 justice or judge shall not recalculate the administrative assessment.

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

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

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

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

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

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

47 (a) Two dollars for credit to a special account in the county general
48 fund for the use of the county's juvenile court or for services to
49 juvenile offenders. Any money remaining in the special account after



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

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

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

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

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

8. Of the total amount deposited in the state general fund pursuant to subsections 5 and 6, the state controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the office of the court administrator for allocation as follows:

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

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

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

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

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

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

(1) The central repository for Nevada records of criminal history;

(2) The peace officers' standards and training commission;



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(3) The operation by the Nevada highway patrol of a computerized switching system for information related to law enforcement; ~~and~~

(4) The fund for the compensation of victims of crime ~~§~~; and
(5) *The advisory council for prosecuting attorneys.*

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

(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or

(b) In any other judicial district, the juvenile division of the district court.

Sec. 4. This act becomes effective upon passage and approval.

