

ASSEMBLY BILL NO. 166—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE NEVADA SUPREME COURT)

FEBRUARY 23, 2007

Referred to Committee on Ways and Means

SUMMARY—Makes various changes to provisions governing administrative assessments. (BDR 1-662)

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 administrative assessments; authorizing the Nevada Supreme Court to retain and receive the amount collected from certain administrative assessments which exceed the amount authorized for expenditure by the Legislature; providing that money deposited in the special account in the State General Fund for the provision of specialty courts does not revert at the end of a fiscal year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Nevada Supreme Court to reduce the amount
- 2 appropriated to it by the Legislature for the support or operation of the Court by the
- 3 amount that any administrative assessments distributed to it exceeds the amount
- 4 authorized for expenditure from those assessments. The Supreme Court is then
- 5 required to reserve such amounts for reversion each fiscal year to the State General
- 6 Fund. (NRS 2.185) **Section 1** of this bill allows the Court Administrator to create a
- 7 separate account into which the excess amount must be deposited without reversion
- 8 and to expend such money to pay for certain court-related expenses and programs.
- 9 Existing law imposes an administrative assessment for the provision of
- 10 specialty court programs. Assessments collected are deposited with the State
- 11 Controller for credit to a special account in the State General Fund administered by
- 12 the Office of Court Administrator. (NRS 176.0613) **Section 3** of this bill provides
- 13 that any money deposited in the special account does not revert to the State General
- 14 Fund at the end of a fiscal year and interest and income accruing on the money is
- 15 credited to the account.



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

Section 1. NRS 2.185 is hereby amended to read as follows:

2.185 1. ~~{Any amount appropriated by the Legislature from the State General Fund for the support or operation of the Supreme Court during a fiscal year must be reduced to the extent that the}~~
*Notwithstanding any other provision of law, the Court Administrator shall create a separate account into which the Court Administrator must deposit the amount of any administrative assessments distributed to the Office of ~~{the}~~ Court Administrator ~~{for allocation to the Supreme Court}~~ pursuant to NRS 176.059 that exceeds the amount ~~{which is}~~ authorized by the Legislature for expenditure from those assessments for that fiscal year. **Money in the account does not revert to the State General Fund at the end of a fiscal year. The interest and income earned on money in the account, after deducting any applicable charges, must be credited to the account.***

2. ~~{The Supreme Court shall reserve for reversion each fiscal year the amount by which an appropriation from the State General Fund must be reduced pursuant to subsection 1, and that amount reverts to the State General Fund upon the close of that fiscal year by the State Controller.}~~ *The Court Administrator is hereby authorized to expend money from the account created pursuant to subsection 1 as necessary for the purposes set forth in paragraph (a) of subsection 8 of NRS 176.059.*

Sec. 2. NRS 176.059 is hereby amended to read as follows:

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

Fine	Assessment
\$5 to \$49.....	\$25
50 to 59.....	40
60 to 69.....	45
70 to 79.....	50
80 to 89.....	55
90 to 99.....	60
100 to 199.....	70
200 to 299.....	80
300 to 399.....	90



	Fine	Assessment
2	400 to 499.....	\$100
3	500 to 1,000.....	115

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5 If the justice or judge sentences the defendant to perform
6 community service in lieu of a fine, the justice or judge shall include
7 in the sentence the amount of the administrative assessment that
8 corresponds with the fine for which the defendant would have been
9 responsible as prescribed by the schedule in this subsection.

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

11 (a) An ordinance regulating metered parking; or

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

14 3. The money collected for an administrative assessment must
15 not be deducted from the fine imposed by the justice or judge but
16 must be taxed against the defendant in addition to the fine. The
17 money collected for an administrative assessment must be stated
18 separately on the court's docket and must be included in the amount
19 posted for bail. If bail is forfeited, the administrative assessment
20 included in the amount posted for bail pursuant to this subsection
21 must be disbursed in the manner set forth in subsection 5 or 6. If the
22 defendant is found not guilty or the charges are dismissed, the
23 money deposited with the court must be returned to the defendant. If
24 the justice or judge cancels a fine because the fine has been
25 determined to be uncollectible, any balance of the fine and the
26 administrative assessment remaining unpaid shall be deemed to be
27 uncollectible and the defendant is not required to pay it. If a fine is
28 determined to be uncollectible, the defendant is not entitled to a
29 refund of the fine or administrative assessment he has paid and the
30 justice or judge shall not recalculate the administrative assessment.

31 4. If the justice or judge permits the fine and administrative
32 assessment to be paid in installments, the payments must be first
33 applied to the unpaid balance of the administrative assessment. The
34 city treasurer shall distribute partially collected administrative
35 assessments in accordance with the requirements of subsection 5.
36 The county treasurer shall distribute partially collected
37 administrative assessments in accordance with the requirements of
38 subsection 6.

39 5. The money collected for administrative assessments in
40 municipal court must be paid by the clerk of the court to the city
41 treasurer on or before the fifth day of each month for the preceding
42 month. The city treasurer shall distribute, on or before the 15th day
43 of that month, the money received in the following amounts for each
44 assessment received:



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(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to 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 municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal 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 Controller for credit to a special account in the State General Fund.

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

(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to 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 justice 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 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 Controller for credit to a special account in the State General Fund.

7. The money apportioned to a juvenile court, a justice 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



1 used to improve the operations of the court may include
2 expenditures for:

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

7 8. Of the total amount deposited in the State General Fund
8 pursuant to subsections 5 and 6, the State Controller shall distribute
9 the money received to the following public agencies in the
10 following manner:

11 (a) Not less than 51 percent to the Office of Court Administrator
12 for allocation as follows:

13 (1) Eighteen and one-half percent of the amount distributed
14 to the Office of Court Administrator for the administration of the
15 courts.

16 (2) Nine percent of the amount distributed to the Office of
17 Court Administrator for the development of a uniform system for
18 judicial records.

19 (3) Nine percent of the amount distributed to the Office of
20 Court Administrator for continuing judicial education.

21 (4) Sixty percent of the amount distributed to the Office of
22 Court Administrator for the Supreme Court.

23 (5) Three and one-half percent of the amount distributed to
24 the Office of Court Administrator for the payment for the services of
25 retired justices and retired district judges.

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

28 (1) The Central Repository for Nevada Records of Criminal
29 History;

30 (2) The Peace Officers' Standards and Training Commission;

31 (3) The operation by the Nevada Highway Patrol of a
32 computerized switching system for information related to law
33 enforcement;

34 (4) The Fund for the Compensation of Victims of Crime; and

35 (5) The Advisory Council for Prosecuting Attorneys.

36 9. *To the extent that any amount deposited pursuant to*
37 *subsections 5 and 6 exceed the amount authorized by the*
38 *Legislature for expenditure, the State Controller shall distribute*
39 *the excessive amount to the Office of Court Administrator for*
40 *deposit in the account created pursuant to NRS 2.185.*

41 10. As used in this section:

42 (a) "Juvenile court" has the meaning ascribed to it in
43 NRS 62A.180.

44 (b) "Office of Court Administrator" means the Office of Court
45 Administrator created pursuant to NRS 1.320.



Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

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

(a) An ordinance regulating metered parking; or

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

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

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

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

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;



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(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; and

(d) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. *Notwithstanding any other provision of law, any amount credited to the special account in the State General Fund for the provision of specialty courts does not revert to the State General Fund at the end of a fiscal year. The interest and income earned on money in the account, after deducting any applicable charges, must be credited to the account.*

10. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.



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1 ~~10.~~ **11.** As used in this section:

2 (a) "Office of Court Administrator" means the Office of Court
3 Administrator created pursuant to NRS 1.320; and

4 (b) "Specialty court program" means a program established by a
5 court to facilitate testing, treatment and oversight of certain persons
6 over whom the court has jurisdiction and who the court has
7 determined suffer from a mental illness or abuses alcohol or drugs.
8 Such a program includes, without limitation, a program established
9 pursuant to NRS 176A.250 or 453.580.

10 **Sec. 4.** This act becomes effective on July 1, 2007.

