

ASSEMBLY BILL NO. 625—COMMITTEE ON WAYS AND MEANS

MAY 28, 2007

Referred to Committee on Ways and Means

SUMMARY—Makes certain changes concerning court programs.
(BDR 14-1514)

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 court programs; reducing the allocation of administrative assessments for use by the Supreme Court to provide an allocation for specialty court programs; eliminating the requirement that the Court Administrator submit a domestic violence report in 2009; removing the provision that allows participation in biweekly counseling sessions instead of weekly sessions for persons who commit domestic battery and reside in an area where counseling programs are not offered; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that 60 percent of the proceeds from certain administrative assessments be distributed to the Court Administrator for use by the Supreme Court. (NRS 176.059) **Section 1** of this bill reduces that allocation to 48 percent and requires the remaining 12 percent to be allocated for use by specialty court programs.

Existing law requires the Court Administrator to submit to the Director of the Legislative Counsel Bureau biennially a written report concerning the effectiveness of counseling programs for persons who commit domestic violence. (NRS 1.360) **Sections 2 and 3** of this bill eliminate this requirement after 2007.

Existing law authorizes a court, until June 30, 2009, to allow a person to participate in counseling sessions on a biweekly basis instead of weekly if the person lives more than 70 miles from the nearest location at which counseling services are available. (NRS 200.485) **Section 4** of this bill eliminates this authority, resulting in a requirement of counseling on a weekly basis, after June 30, 2007.



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

Section 1. 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
400 to 499.....	100
500 to 1,000.....	115

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

2. The provisions of subsection 1 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.

3. The money collected for an administrative assessment 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 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 amount posted for bail pursuant to this subsection
must be disbursed in the manner set forth in subsection 5 or 6. 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



1 administrative assessment remaining unpaid shall be deemed to be
2 uncollectible and the defendant is not required to pay it. If a fine is
3 determined to be uncollectible, the defendant is not entitled to a
4 refund of the fine or administrative assessment he has paid and the
5 justice or judge shall not recalculate the administrative assessment.

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

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

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

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

35 (c) The remainder of each assessment to the State Controller for
36 credit to a special account in the State General Fund.

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

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



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

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

12 (c) The remainder of each assessment to the State Controller for
13 credit to a special account in the State General Fund.

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

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

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

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

31 (1) Eighteen and one-half percent of the amount distributed
32 to the Office of Court Administrator for the administration of the
33 courts.

34 (2) Nine percent of the amount distributed to the Office of
35 Court Administrator for the development of a uniform system for
36 judicial records.

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

39 (4) ~~Sixty~~ **Forty-eight** percent of the amount distributed to
40 the Office of Court Administrator for the Supreme Court.

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



(6) Twelve percent of the amount distributed to the Office of Court Administrator for the provision of specialty court programs.

(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;

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

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

(5) The Advisory Council for Prosecuting Attorneys.

9. As used in this section:

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

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

Sec. 2. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;

3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;



8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;

9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;

11. On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:

(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;

(b) The current status of any specialty court programs to which money from the account was allocated since the last report; and

(c) Such other related information as the Court Administrator deems appropriate;

12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person;

13. On or before February 15 ~~{of each odd-numbered year,}~~ , **2007**, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; and

14. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 3. Section 3 of chapter 162, Statutes of Nevada 2005, at page 536, is hereby amended to read as follows:

Sec. 3. The report submitted to the Legislature by the Court Administrator in 2007 ~~{and—2009}~~ pursuant to subsection 13 of NRS 1.360, as amended by this act, must



1 include information concerning the effectiveness of biweekly
2 counseling sessions and the effect, if any, of participating in
3 biweekly counseling sessions on recidivism of offenders.

4 **Sec. 4.** Section 5 of chapter 162, Statutes of Nevada 2005, at
5 page 537, is hereby amended to read as follows:

6 Sec. 5. 1. This act becomes effective on July 1, 2005.

7 2. The amendatory provisions of section 1 of this act
8 expire by limitation on June 30, ~~2009.~~ 2007.

9 **Sec. 5.** 1. This section and sections 2, 3 and 4 of this act
10 become effective upon passage and approval.

11 2. Section 1 of this act becomes effective on July 1, 2008.

