

SENATE BILL NO. 216—SENATOR MCGINNESS

MARCH 6, 2007

Referred to Committee on Judiciary

SUMMARY—Allows certain convicted persons to make a monetary contribution in lieu of performing community service. (BDR 14-929)

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 criminal penalties; allowing certain convicted persons to make a monetary contribution in lieu of performing community service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law allows a court to order certain convicted persons to perform
2 community service in lieu of any fine or imprisonment that may be imposed for the
3 commission of a misdemeanor or as a condition of probation granted for another
4 offense. (NRS 176.087) This bill allows a court to order certain convicted persons
5 to make a monetary contribution to the general fund of the jurisdiction in which the
6 person was convicted in lieu of the community service that would otherwise be
7 ordered. This bill also establishes the criteria by which the amount of such
8 monetary contributions must be determined.

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

1 **Section 1.** NRS 176.087 is hereby amended to read as follows:
2 176.087 1. Except where the imposition of a specific criminal
3 penalty is mandatory, a court may order a convicted person to
4 perform supervised community service:
5 (a) In lieu of all or a part of any fine or imprisonment that may
6 be imposed for the commission of a misdemeanor; or
7 (b) As a condition of probation granted for another offense.



2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which he performs the community service.

4. The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue at his employment and to care for his family. The period of community service fixed by the court must not exceed, for a:

- (1) Misdemeanor, 200 hours;
- (2) Gross misdemeanor, 600 hours; or
- (3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require him to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

5. If a court makes a special finding based on evidence satisfactory to the court that a convicted person is incapable of performing community service, the court may order the convicted person to make a monetary contribution to the general fund of the jurisdiction in which the person was convicted in lieu of all or part of any community service that would otherwise be ordered pursuant to subsection 1.



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1 6. The amount of any monetary contribution ordered
2 pursuant to subsection 5 must be determined by multiplying the
3 number of community service hours that would otherwise have
4 been imposed pursuant to subsection 4 by the mean statewide
5 hourly wage of all building and grounds cleaning and
6 maintenance occupations according to the Department of
7 Employment, Training and Rehabilitation.

8 7. Any monetary contribution collected pursuant to
9 subsection 5 must be used only to defray costs associated with the
10 administration of criminal justice in the jurisdiction in which the
11 money is collected.

12 8. As used in this section, "special finding" means a
13 determination by the court that:

14 (a) The convicted person has a physical or mental limitation
15 that would prevent him from safely performing the community
16 service, or would otherwise constitute an unreasonable burden
17 upon the supervising authority; or

18 (b) The convicted person does not reside in the county where
19 the offense was committed and requiring the convicted person to
20 return to the county solely to perform the community service
21 would result in an unreasonable burden upon the convicted
22 person.

