

SENATE BILL NO. 45—SENATOR WASHINGTON

PREFILED JANUARY 30, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the disposition of administrative assessments imposed for certain offenses. (BDR 14-672)

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; revising provisions governing the disposition of administrative assessments imposed for certain offenses; creating the Fund for Programs Relating to Impaired Driving into which a portion of the money collected from certain administrative assessments must be deposited; providing for grants to be awarded from the Fund to governmental entities and nonprofit agencies which provide programs to address issues relating to driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, of the total amount deposited into the State General Fund
2 from an administrative assessment for a misdemeanor, 51 percent of the amount is
3 distributed for the use of the Judicial Branch and 49 percent is distributed, to the
4 extent of legislative authorization, for the use of certain agencies and funds in the
5 Executive Branch. (NRS 176.059) **Section 6** of this bill provides that from that 49
6 percent of the amount deposited in the State General Fund for the use of certain
7 agencies and funds in the Executive Branch, for each administrative assessment
8 imposed and collected for the offense of driving while under the influence of
9 intoxicating liquor or a controlled substance and the offense of reckless driving, the
10 amount of \$20 must be credited to the Fund for Programs Relating to Impaired
11 Driving which is created as a special revenue fund within the State Treasury and
12 will be administered by the Department of Public Safety. **Section 7** of this bill
13 provides that money in the Fund will be used to support ongoing intervention



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1 efforts relating to driving while under the influence of intoxicating liquor or a
2 controlled substance.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** NRS 176.059 is hereby amended to read as follows:

7 176.059 1. Except as otherwise provided in subsection 2,
8 when a defendant pleads guilty or is found guilty of a misdemeanor,
9 including the violation of any municipal ordinance, the justice or
10 judge shall include in the sentence the sum prescribed by the
11 following schedule as an administrative assessment and render a
12 judgment against the defendant for the assessment:

	Fine	Assessment
14		
15	\$5 to \$49.....	\$25
16	50 to 59.....	40
17	60 to 69.....	45
18	70 to 79.....	50
19	80 to 89.....	55
20	90 to 99.....	60
21	100 to 199.....	70
22	200 to 299.....	80
23	300 to 399.....	90
24	400 to 499.....	100
25	500 to 1,000.....	115

26
27 If the justice or judge sentences the defendant to perform
28 community service in lieu of a fine, the justice or judge shall include
29 in the sentence the amount of the administrative assessment that
30 corresponds with the fine for which the defendant would have been
31 responsible as prescribed by the schedule in this subsection.

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

33 (a) An ordinance regulating metered parking; or

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

36 3. The money collected for an administrative assessment must
37 not be deducted from the fine imposed by the justice or judge but
38 must be taxed against the defendant in addition to the fine. The
39 money collected for an administrative assessment must be stated



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

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

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

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

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

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



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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 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 Court Administrator for allocation as follows:

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

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



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

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

(5) Three and one-half percent of the amount distributed to the Office of 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;

(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 ~~H~~; and

(6) The Fund for Programs Relating to Impaired Driving.

↪ Of the total amount to be distributed pursuant to paragraph (b), for each administrative assessment imposed and collected for the offense of driving while under the influence of intoxicating liquor or a controlled substance and the offense of reckless driving, the amount of \$20 must be credited to the Fund for Programs Relating to Impaired Driving.

9. As used in this section:

(a) *"Driving while under the influence of intoxicating liquor or a controlled substance" means a violation of NRS 484.379.*

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

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

(d) "Reckless driving" means a violation of subsection 1 of NRS 484.348 or subsection 1 of NRS 484.377.

Sec. 7. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Fund for Programs Relating to Impaired Driving is hereby created in the State Treasury as a special revenue fund.

2. The Department shall administer the Fund.

3. The Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.



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1 4. *The Department may accept gifts, grants and donations*
2 *from any source for deposit in the Fund.*

3 5. *The Department may use the money in the Fund to support*
4 *ongoing intervention efforts relating to driving while under the*
5 *influence of intoxicating liquor or a controlled substance,*
6 *including, without limitation:*

7 (a) *Awarding grants to state and local governmental entities,*
8 *including, without limitation, the judicial branches of state and*
9 *local government that provide programs to address issues relating*
10 *to driving while under the influence of intoxicating liquor or a*
11 *controlled substance.*

12 (b) *Awarding grants to nonprofit agencies that provide*
13 *programs to address issues relating to driving while under the*
14 *influence of intoxicating liquor or a controlled substance.*

15 (c) *Conducting public service announcement campaigns to*
16 *increase awareness of issues relating to driving while under the*
17 *influence of intoxicating liquor or a controlled substance.*

18 (d) *Reimbursing expenses of the Nevada Impaired Driving*
19 *Advisory Council.*

20 6. *The Department shall establish:*

21 (a) *The procedures by which governmental entities and*
22 *nonprofit agencies may apply for a grant from the Fund;*

23 (b) *The criteria for determining whether to award a grant from*
24 *the Fund; and*

25 (c) *The services for which governmental entities and nonprofit*
26 *agencies may use money from a grant.*

