

SENATE BILL NO. 58—SENATOR HECK

PREFILED FEBRUARY 1, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Provides for the imposition of an administrative assessment for certain traffic violations to be used for the awarding of grants to volunteer organizations that provide emergency medical services. (BDR 14-221)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to administrative assessments; providing for the imposition of an administrative assessment for certain traffic violations; creating the Volunteer Emergency Medical Services Fund into which money collected from such assessments must be deposited; providing for grants to be awarded from the Fund to volunteer organizations that provide emergency medical services in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill requires a court to impose a \$5 administrative assessment
2 in addition to any other fine or assessment any time that a person pleads, is found
3 guilty of or enters a plea of nolo contendere to a moving traffic violation. **Sections**
4 **1 and 6** of this bill provide that any amounts collected from the administrative
5 assessment must be credited to the Nevada Volunteer Emergency Medical Services
6 Fund which is created as a continuing fund within the State Treasury. **Section 6**
7 provides that money in the Fund will be used to award grants to volunteer
8 organizations that deliver emergency medical services in this State. The
9 organization to which such a grant is made may use the money for the acquisition
10 of capital goods, training, equipment or supplies.



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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, in addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty of or enters a plea of nolo contendere to a moving traffic violation, including, without limitation, the violation of any county or municipal ordinance, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of \$5 as an administrative assessment for the provision of volunteer emergency medical services 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.

2. The money collected for an administrative assessment for the provision of volunteer emergency medical services 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 4. 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.

3. If the justice or judge permits the fine and administrative assessment for the provision of volunteer emergency medical services 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;



* S B 5 8 R 1 *

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to this section; and

(e) To pay the fine.

4. The money collected for an administrative assessment for the provision of volunteer emergency medical services must be paid by the clerk of the court in which the money is collected to the State Treasurer on or before the fifth day of each month for the preceding month for credit to the Nevada Volunteer Emergency Medical Services Fund created pursuant to section 6 of this act.

5. As used in this section, "moving traffic violation" means an act that is a moving traffic violation for the purposes of NRS 483.473.

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613 ~~and~~ **and section 1 of this act**, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, 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 \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. 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 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 that 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 court facilities 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



* S B 5 8 R 1 *

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

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

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

18 (b) To pay the unpaid balance of an administrative assessment
19 for the provision of court facilities pursuant to this section;

20 (c) To pay the unpaid balance of an administrative assessment
21 for the provision of specialty court programs pursuant to NRS
22 176.0613; ~~and~~

23 (d) *To pay the unpaid balance of an administrative assessment*
24 *for the provision of volunteer emergency medical services*
25 *pursuant to section 1 of this act; and*

26 (e) To pay the fine.

27 6. The money collected for administrative assessments for the
28 provision of court facilities in municipal courts must be paid by the
29 clerk of the court to the city treasurer on or before the fifth day of
30 each month for the preceding month. The city treasurer shall deposit
31 the money received in a special revenue fund. The city may use the
32 money in the special revenue fund only to:

33 (a) Acquire land on which to construct additional facilities for
34 the municipal courts or a regional justice center that includes the
35 municipal courts.

36 (b) Construct or acquire additional facilities for the municipal
37 courts or a regional justice center that includes the municipal courts.

38 (c) Renovate or remodel existing facilities for the municipal
39 courts.

40 (d) Acquire furniture, fixtures and equipment necessitated by the
41 construction or acquisition of additional facilities or the renovation
42 of an existing facility for the municipal courts or a regional justice
43 center that includes the municipal courts. This paragraph does not
44 authorize the expenditure of money from the fund for furniture,
45 fixtures or equipment for judicial chambers.



* S B 5 8 R 1 *

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. 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.

7. The money collected for administrative assessments for the provision of court facilities 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 deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly



* S B 5 8 R 1 *

1 reports of the revenue credited to and expenditures made from the
2 special revenue fund.

3 8. If money collected pursuant to this section is to be used to
4 acquire land on which to construct a regional justice center, to
5 construct a regional justice center or to pay debt service on bonds
6 issued for these purposes, the county and the participating cities
7 shall, by interlocal agreement, determine such issues as the size of
8 the regional justice center, the manner in which the center will be
9 used and the apportionment of fiscal responsibility for the center.

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

11 176.0613 1. The justices or judges of the justice or municipal
12 courts shall impose, in addition to an administrative assessment
13 imposed pursuant to NRS 176.059 and 176.0611 ~~§~~ **and section 1 of**
14 **this act**, an administrative assessment for the provision of specialty
15 court programs.

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

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

26 (a) An ordinance regulating metered parking; or

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

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



* S B 5 8 R 1 *

1 paid and the justice or judge shall not recalculate the administrative
2 assessment.

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

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

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

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

13 (d) *To pay the unpaid balance of an administrative assessment*
14 *for the provision of volunteer emergency medical services*
15 *pursuant to section 1 of this act; and*

16 (e) To pay the fine.

17 6. The money collected for an administrative assessment for
18 the provision of specialty court programs in municipal court must be
19 paid by the clerk of the court to the city treasurer on or before the
20 fifth day of each month for the preceding month. On or before the
21 15th day of that month, the city treasurer shall deposit the money
22 received for each administrative assessment with the State
23 Controller for credit to a special account in the State General Fund
24 administered by the Office of Court Administrator.

25 7. The money collected for an administrative assessment for
26 the provision of specialty court programs in justice courts must be
27 paid by the clerk of the court to the county treasurer on or before the
28 fifth day of each month for the preceding month. On or before the
29 15th day of that month, the county treasurer shall deposit the money
30 received for each administrative assessment with the State
31 Controller for credit to a special account in the State General Fund
32 administered by the Office of Court Administrator.

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

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

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

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

44 (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.

10. As used in this section:

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

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

Sec. 4. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State, and the necessary traveling expenses and subsistence allowances in the amounts authorized by NRS 281.160 incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty or nolo contendere to the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine his ability to make



1 restitution. In conducting the investigation, the court shall determine
2 if the person is able to pay any existing obligations for:

- 3 (a) Child support;
4 (b) Restitution to victims of crimes; and
5 (c) Any administrative assessment required to be paid pursuant
6 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~H~~ **and**
7 **section 1 of this act.**

8 3. If the court determines that the person is financially able to
9 pay the obligations described in subsection 2, it shall, in addition to
10 any other sentence it may impose, order the person to make
11 restitution for the expenses incurred by the Attorney General or
12 other governmental entity in returning him to this State. The court
13 shall not order the person to make restitution if payment of
14 restitution will prevent him from paying any existing obligations
15 described in subsection 2. Any amount of restitution remaining
16 unpaid constitutes a civil liability arising upon the date of the
17 completion of his sentence.

18 4. The Attorney General may adopt regulations to carry out the
19 provisions of this section.

20 **Sec. 5.** NRS 211.245 is hereby amended to read as follows:

21 211.245 1. If a prisoner fails to make a payment within 10
22 days after it is due, the district attorney for a county or the city
23 attorney for an incorporated city may file a civil action in any court
24 of competent jurisdiction within this State seeking recovery of:

- 25 (a) The amount of reimbursement due;
26 (b) Costs incurred in conducting an investigation of the financial
27 status of the prisoner; and
28 (c) Attorney's fees and costs.

29 2. A civil action brought pursuant to this section must:

- 30 (a) Be instituted in the name of the county or city in which the
31 jail, detention facility or alternative program is located;
32 (b) Indicate the date and place of sentencing, including, without
33 limitation, the name of the court which imposed the sentence;
34 (c) Include the record of judgment of conviction, if available;
35 (d) Indicate the length of time served by the prisoner and, if he
36 has been released, the date of his release; and
37 (e) Indicate the amount of reimbursement that the prisoner owes
38 to the county or city.

39 3. The county or city treasurer of the county or incorporated
40 city in which a prisoner is or was confined shall determine the
41 amount of reimbursement that the prisoner owes to the city or
42 county. The county or city treasurer may render a sworn statement
43 indicating the amount of reimbursement that the prisoner owes and
44 submit the statement in support of a civil action brought pursuant to



1 this section. Such a statement is prima facie evidence of the amount
2 due.

3 4. A court in a civil action brought pursuant to this section may
4 award a money judgment in favor of the county or city in whose
5 name the action was brought.

6 5. If necessary to prevent the disposition of the prisoner's
7 property by the prisoner, or his spouse or agent, a county or city
8 may file a motion for a temporary restraining order. The court may,
9 without a hearing, issue ex parte orders restraining any person from
10 transferring, encumbering, hypothecating, concealing or in any way
11 disposing of any property of the prisoner, real or personal, whether
12 community or separate, except for necessary living expenses.

13 6. The payment, pursuant to a judicial order, of existing
14 obligations for:

15 (a) Child support or alimony;

16 (b) Restitution to victims of crimes; and

17 (c) Any administrative assessment required to be paid pursuant
18 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 **H and**
19 **section 1 of this act,**

20 ➔ has priority over the payment of a judgment entered pursuant to
21 this section.

22 **Sec. 6.** Chapter 450B of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 **1. The Volunteer Emergency Medical Services Fund is**
25 **hereby created in the State Treasury. Any administrative**
26 **assessment imposed and collected pursuant to section 1 of this act**
27 **must be deposited with the State Treasurer for credit to the Fund.**

28 **2. The Committee on Emergency Medical Services shall**
29 **administer the Fund.**

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

35 **4. The Committee may accept gifts, grants and donations**
36 **from any source for deposit in the Fund.**

37 **5. The Committee may use the money in the Fund only to**
38 **award grants to volunteer organizations that provide emergency**
39 **medical services in this State which will use the money for the**
40 **acquisition of capital goods, training, equipment or supplies**
41 **related to such services. The Committee shall establish:**

42 **(a) The procedures by which a volunteer organization may**
43 **apply for a grant from the Fund; and**

44 **(b) The criteria for determining whether to award a grant from**
45 **the Fund.**



* S B 5 8 R 1 *

1 **Sec. 7.** This act becomes effective on July 1, 2007.

③⑩



★ S B 5 8 R 1 ★