

Amendment No. 1108

Senate Amendment to Assembly Bill No. 625	(BDR 14-1514)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

BAW



Date: 6/1/2007

A.B. No. 625—Makes certain changes concerning court programs. (BDR 14-1514)



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 200.495) Section 4 of this bill eliminates this authority, resulting in a requirement of counseling on a weekly basis, after June 30, 2007.~~

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
1		
2	\$5 to \$49.....	\$25
3	50 to 59.....	40
4	60 to 69.....	45
5	70 to 79.....	50
6	80 to 89.....	55
7	90 to 99.....	60
8	100 to 199.....	70
9	200 to 299.....	80
10	300 to 399.....	90
11	400 to 499.....	100
12	500 to 1,000.....	115
13		

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

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

19 (a) An ordinance regulating metered parking; or

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

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

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

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

47 (a) Two dollars to the county treasurer for credit to a special account in the
48 county general fund for the use of the county's juvenile court or for services to
49 juvenile offenders. Any money remaining in the special account after 2 fiscal years
50 must be deposited in the county general fund if it has not been committed for
51 expenditure. The county treasurer shall provide, upon request by a juvenile court,
52 monthly reports of the revenue credited to and expenditures made from the special
53 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 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~~ **Forty-eight** 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.

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

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

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

~~2. The amendatory provisions of section 1 of this act expire by limitation on June 30, [2009.] 2007. (Deleted by amendment.)~~

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

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