

Amendment No. 50

Senate Amendment to Senate Bill No. 58
(BDR 14-221)

Proposed by: Senate Committee on Transportation and Homeland Security

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of S.B. 58 (§ 1).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

EAH/SGW



Date: 4/4/2007

S.B. No. 58—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)



## 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.

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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; 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:**

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

1 include in the sentence the sum of \$5 as an administrative assessment for the  
2 provision of volunteer emergency medical services and render a judgment against  
3 the defendant for the assessment. If a defendant is sentenced to perform  
4 community service in lieu of a fine, the sentence must include the administrative  
5 assessment required pursuant to this subsection.

6 2. The money collected for an administrative assessment for the provision  
7 of volunteer emergency medical services must not be deducted from the fine  
8 imposed by the justice or judge but must be taxed against the defendant in  
9 addition to the fine. The money collected for such an administrative assessment  
10 must be stated separately on the court's docket and must be included in the  
11 amount posted for bail. If bail is forfeited, the administrative assessment included  
12 in the bail pursuant to this subsection must be disbursed pursuant to subsection  
13 4. If the defendant is found not guilty or the charges are dismissed, the money  
14 deposited with the court must be returned to the defendant. If the justice or judge  
15 cancels a fine because the fine has been determined to be uncollectible, any  
16 balance of the fine and the administrative assessment remaining unpaid shall be  
17 deemed to be uncollectible and the defendant is not required to pay it. If a fine is  
18 determined to be uncollectible, the defendant is not entitled to a refund of the fine  
19 or administrative assessment he has paid and the justice or judge shall not  
20 recalculate the administrative assessment.

21 3. If the justice or judge permits the fine and administrative assessment for  
22 the provision of volunteer emergency medical services to be paid in installments,  
23 the payments must be applied in the following order:

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

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

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

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

32 (e) To pay the fine.

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

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

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

41 176.0611 1. A county or a city, upon recommendation of the appropriate  
42 court, may, by ordinance, authorize the justices or judges of the justice or municipal  
43 courts within its jurisdiction to impose for not longer than 50 years, in addition to  
44 the administrative assessments imposed pursuant to NRS 176.059 and 176.0613 **and**  
45 **and section 1 of this act**, an administrative assessment for the provision of court  
46 facilities.

47 2. Except as otherwise provided in subsection 3, in any jurisdiction in which  
48 an administrative assessment for the provision of court facilities has been  
49 authorized, when a defendant pleads guilty or is found guilty of a misdemeanor,  
50 including the violation of any municipal ordinance, the justice or judge shall  
51 include in the sentence the sum of \$10 as an administrative assessment for the  
52 provision of court facilities and render a judgment against the defendant for the  
53 assessment. If the justice or judge sentences the defendant to perform community

1 service in lieu of a fine, the justice or judge shall include in the sentence the  
2 administrative assessment required pursuant to this subsection.

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

4 (a) An ordinance regulating metered parking; or

5 (b) An ordinance that is specifically designated as imposing a civil penalty or  
6 liability pursuant to NRS 244.3575 or 268.019.

7 4. The money collected for an administrative assessment for the provision of  
8 court facilities must not be deducted from the fine imposed by the justice or judge  
9 but must be taxed against the defendant in addition to the fine. The money collected  
10 for such an administrative assessment must be stated separately on the court's  
11 docket and must be included in the amount posted for bail. If bail is forfeited, the  
12 administrative assessment included in the amount posted for bail pursuant to this  
13 subsection must be disbursed in the manner set forth in subsection 6 or 7. If the  
14 defendant is found not guilty or the charges are dismissed, the money deposited  
15 with the court must be returned to the defendant. If the justice or judge cancels a  
16 fine because the fine has been determined to be uncollectible, any balance of the  
17 fine and the administrative assessment remaining unpaid shall be deemed to be  
18 uncollectible and the defendant is not required to pay it. If a fine is determined to be  
19 uncollectible, the defendant is not entitled to a refund of the fine or administrative  
20 assessment he has paid and the justice or judge shall not recalculate the  
21 administrative assessment.

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

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

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

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

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

34 (e) To pay the fine.

35 6. The money collected for administrative assessments for the provision of  
36 court facilities in municipal courts must be paid by the clerk of the court to the city  
37 treasurer on or before the fifth day of each month for the preceding month. The city  
38 treasurer shall deposit the money received in a special revenue fund. The city may  
39 use the money in the special revenue fund only to:

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

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

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

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

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

52 (f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS  
53 350.020 for the acquisition of land or facilities or the construction or renovation of

1 facilities for the municipal courts or a regional justice center that includes the  
2 municipal courts.

3 ♪ Any money remaining in the special revenue fund after 5 fiscal years must be  
4 deposited in the municipal general fund for the continued maintenance of court  
5 facilities if it has not been committed for expenditure pursuant to a plan for the  
6 construction or acquisition of court facilities or improvements to court facilities.  
7 The city treasurer shall provide, upon request by a municipal court, monthly reports  
8 of the revenue credited to and expenditures made from the special revenue fund.

9 7. The money collected for administrative assessments for the provision of  
10 court facilities in justice courts must be paid by the clerk of the court to the county  
11 treasurer on or before the fifth day of each month for the preceding month. The  
12 county treasurer shall deposit the money received to a special revenue fund. The  
13 county may use the money in the special revenue fund only to:

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

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

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

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

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

26 (f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS  
27 350.020 for the acquisition of land or facilities or the construction or renovation of  
28 facilities for the justice courts or a regional justice center that includes the justice  
29 courts.

30 ♪ Any money remaining in the special revenue fund after 5 fiscal years must be  
31 deposited in the county general fund for the continued maintenance of court  
32 facilities if it has not been committed for expenditure pursuant to a plan for the  
33 construction or acquisition of court facilities or improvements to court facilities.  
34 The county treasurer shall provide, upon request by a justice court, monthly reports  
35 of the revenue credited to and expenditures made from the special revenue fund.

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

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

43 176.0613 1. The justices or judges of the justice or municipal courts shall  
44 impose, in addition to an administrative assessment imposed pursuant to NRS  
45 176.059 and 176.0611 **and section 1 of this act**, an administrative assessment for  
46 the provision of specialty court programs.

47 2. Except as otherwise provided in subsection 3, when a defendant pleads  
48 guilty or is found guilty of a misdemeanor, including the violation of any municipal  
49 ordinance, the justice or judge shall include in the sentence the sum of \$7 as an  
50 administrative assessment for the provision of specialty court programs and render  
51 a judgment against the defendant for the assessment. If a defendant is sentenced to  
52 perform community service in lieu of a fine, the sentence must include the  
53 administrative assessment required pursuant to this subsection.

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

2        (a) An ordinance regulating metered parking; or

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

5        4. The money collected for an administrative assessment for the provision of  
6 specialty court programs must not be deducted from the fine imposed by the justice  
7 or judge but must be taxed against the defendant in addition to the fine. The money  
8 collected for such an administrative assessment must be stated separately on the  
9 court's docket and must be included in the amount posted for bail. If bail is  
10 forfeited, the administrative assessment included in the bail pursuant to this  
11 subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is  
12 found not guilty or the charges are dismissed, the money deposited with the court  
13 must be returned to the defendant. If the justice or judge cancels a fine because the  
14 fine has been determined to be uncollectible, any balance of the fine and the  
15 administrative assessment remaining unpaid shall be deemed to be uncollectible  
16 and the defendant is not required to pay it. If a fine is determined to be  
17 uncollectible, the defendant is not entitled to a refund of the fine or administrative  
18 assessment he has paid and the justice or judge shall not recalculate the  
19 administrative assessment.

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

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

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

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

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

32        (e) To pay the fine.

33        6. The money collected for an administrative assessment for the provision of  
34 specialty court programs in municipal court must be paid by the clerk of the court  
35 to the city treasurer on or before the fifth day of each month for the preceding  
36 month. On or before the 15th day of that month, the city treasurer shall deposit the  
37 money received for each administrative assessment with the State Controller for  
38 credit to a special account in the State General Fund administered by the Office of  
39 Court Administrator.

40        7. The money collected for an administrative assessment for the provision of  
41 specialty court programs in justice courts must be paid by the clerk of the court to  
42 the county treasurer on or before the fifth day of each month for the preceding  
43 month. On or before the 15th day of that month, the county treasurer shall deposit  
44 the money received for each administrative assessment with the State Controller for  
45 credit to a special account in the State General Fund administered by the Office of  
46 Court Administrator.

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

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

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

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

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

(a) Child support;

(b) Restitution to victims of crimes; and

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

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning him to this State. The court shall not order the person to make restitution if payment of restitution will

1 prevent him from paying any existing obligations described in subsection 2. Any  
2 amount of restitution remaining unpaid constitutes a civil liability arising upon the  
3 date of the completion of his sentence.

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

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

7 211.245 1. If a prisoner fails to make a payment within 10 days after it is  
8 due, the district attorney for a county or the city attorney for an incorporated city  
9 may file a civil action in any court of competent jurisdiction within this State  
10 seeking recovery of:

11 (a) The amount of reimbursement due;

12 (b) Costs incurred in conducting an investigation of the financial status of the  
13 prisoner; and

14 (c) Attorney's fees and costs.

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

16 (a) Be instituted in the name of the county or city in which the jail, detention  
17 facility or alternative program is located;

18 (b) Indicate the date and place of sentencing, including, without limitation, the  
19 name of the court which imposed the sentence;

20 (c) Include the record of judgment of conviction, if available;

21 (d) Indicate the length of time served by the prisoner and, if he has been  
22 released, the date of his release; and

23 (e) Indicate the amount of reimbursement that the prisoner owes to the county  
24 or city.

25 3. The county or city treasurer of the county or incorporated city in which a  
26 prisoner is or was confined shall determine the amount of reimbursement that the  
27 prisoner owes to the city or county. The county or city treasurer may render a sworn  
28 statement indicating the amount of reimbursement that the prisoner owes and  
29 submit the statement in support of a civil action brought pursuant to this section.  
30 Such a statement is prima facie evidence of the amount due.

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

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

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

41 (a) Child support or alimony;

42 (b) Restitution to victims of crimes; and

43 (c) Any administrative assessment required to be paid pursuant to NRS  
44 62E.270, 176.059, 176.0611, 176.0613 and 176.062 **and section 1 of this act,**  
45 **has priority over the payment of a judgment entered pursuant to this section.**

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

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

52 ***2. The Committee on Emergency Medical Services shall administer the***  
53 ***Fund.***

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

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

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

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

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

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