

ASSEMBLY BILL NO. 497—COMMITTEE ON JUDICIARY

MARCH 23, 2009

Referred to Committee on Judiciary

SUMMARY—Provides for the collection and sharing of certain statistical data and information relating to the criminal justice system. (BDR 14-1154)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 the criminal justice system; providing for the collection and sharing of certain statistical data and information relating to the criminal justice system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety to provide certain information to the Advisory Commission on the Administration of Justice and to assist the Commission in carrying out its statutory duties. (NRS 176.0127) **Section 1** of this bill requires the Central Repository for Nevada Records of Criminal History to facilitate the collection of statistical data, coordinate the exchange of such data with certain other entities involved in criminal justice and provide the Commission with available statistical data, information and research requested by the Commission.

Section 3 of this bill requires the Department of Corrections to provide information and research to the Commission concerning rates of recidivism and the effectiveness of educational and vocational programs.

Section 5 of this bill requires the Court Administrator to compile statistical information concerning criminal cases and include certain statistics regarding specialty court programs in the report that the Court Administrator is required to provide to the Legislature before each legislative session concerning specialty court programs. **Section 5** also deletes obsolete statutory language referring to a report that was required to be made to the Legislature in 2007.



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:

The Central Repository for Nevada Records of Criminal History shall:

1. Facilitate the collection of statistical data in the manner approved by the Director of the Department of Public Safety and coordinate the exchange of such data with agencies of criminal justice within this State, including:

(a) State and local law enforcement agencies;

(b) The Office of the Attorney General;

(c) The Court Administrator;

(d) The Department of Corrections; and

(e) The Division.

2. Provide the Commission with available statistical data and information requested by the Commission.

Sec. 2. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 1 of this act***, "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 3. NRS 176.0127 is hereby amended to read as follows:

176.0127 1. The Department of Corrections shall:

(a) Provide the Commission with any available statistical information or research requested by the Commission and assist the Commission in the compilation and development of information requested by the Commission, including, but not limited to, information or research concerning the facilities and institutions of the Department of Corrections, the offenders who are or were within those facilities or institutions, ***rates of recidivism, the effectiveness of educational and vocational programs*** and the sentences which are being served or were served by those offenders;

(b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Department of Corrections; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

2. The Division shall:

(a) Provide the Commission with any available statistical information or research requested by the Commission and assist the Commission in the compilation and development of information



1 concerning sentencing, probation, parole and any offenders who are
2 or were subject to supervision by the Division;

3 (b) If requested by the Commission, make available to the
4 Commission the use of the computers and programs which are
5 owned by the Division; and

6 (c) Provide the independent contractor retained by the
7 Department of Administration pursuant to NRS 176.0129 with any
8 available statistical information requested by the independent
9 contractor for the purpose of performing the projections required by
10 NRS 176.0129.

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

12 **Sec. 5.** NRS 1.360 is hereby amended to read as follows:

13 1.360 Under the direction of the Supreme Court, the Court
14 Administrator shall:

15 1. Examine the administrative procedures employed in the
16 offices of the judges, clerks, court reporters and employees of all
17 courts of this State and make recommendations, through the Chief
18 Justice, for the improvement of those procedures;

19 2. Examine the condition of the dockets of the courts and
20 determine the need for assistance by any court;

21 3. Make recommendations to and carry out the directions of the
22 Chief Justice relating to the assignment of district judges where
23 district courts are in need of assistance;

24 4. Develop a uniform system for collecting and compiling
25 statistics and other data regarding the operation of the State Court
26 System and transmit that information to the Supreme Court so that
27 proper action may be taken in respect thereto;

28 5. Prepare and submit a budget of state appropriations
29 necessary for the maintenance and operation of the State Court
30 System and make recommendations in respect thereto;

31 6. Develop procedures for accounting, internal auditing,
32 procurement and disbursement for the State Court System;

33 7. Collect statistical and other data and make reports relating to
34 the expenditure of all public money for the maintenance and
35 operation of the State Court System and the offices connected
36 therewith;

37 8. Compile statistics from the information required to be
38 maintained by the clerks of the district courts pursuant to NRS 3.275
39 *regarding criminal and civil cases* and make reports as to the cases
40 filed in the district courts;

41 9. Formulate and submit to the Supreme Court
42 recommendations of policies or proposed legislation for the
43 improvement of the State Court System;

44 10. On or before January 1 of each year, submit to the Director
45 of the Legislative Counsel Bureau a written report compiling the



1 information submitted to the Court Administrator pursuant to NRS
2 3.243, 4.175 and 5.045 during the immediately preceding fiscal
3 year;

4 11. On or before January 1 of each odd-numbered year, submit
5 to the Director of the Legislative Counsel Bureau a written report
6 concerning:

7 (a) The distribution of money deposited in the special account
8 created pursuant to NRS 176.0613 to assist with funding and
9 establishing specialty court programs;

10 (b) The current status of any specialty court programs to which
11 money from the account was allocated since the last report; and

12 (c) *Statistics compiled from information required to be*
13 *maintained by clerks of the district courts pursuant to NRS 3.275*
14 *concerning specialty courts, including, without limitation, the*
15 *number of participants in such programs, the nature of the*
16 *criminal charges that were filed against participants, the number*
17 *of participants who have completed the programs and the*
18 *disposition of the cases.*

19 (d) Such other related information as the Court Administrator
20 deems appropriate;

21 12. On or before February 15 of each odd-numbered year,
22 submit to the Governor and to the Director of the Legislative
23 Counsel Bureau for transmittal to the next regular session of the
24 Legislature a written report compiling the information submitted by
25 clerks of courts to the Court Administrator pursuant to NRS 630.307
26 and 633.533 which includes only aggregate information for
27 statistical purposes and excludes any identifying information related
28 to a particular person;

29 ~~113. On or before February 15, 2007, submit to the Director of~~
30 ~~the Legislative Counsel Bureau for transmittal to the next regular~~
31 ~~session of the Legislature a written report concerning the~~
32 ~~effectiveness of participation in counseling sessions in a program for~~
33 ~~the treatment of persons who commit domestic violence ordered by~~
34 ~~a court pursuant to NRS 200.485 and the effect of such counseling~~
35 ~~sessions on recidivism of the offenders who commit battery which~~
36 ~~constitutes domestic violence pursuant to NRS 33.018;]~~ and

37 ~~114.]~~ 13. Attend to such other matters as may be assigned by
38 the Supreme Court or prescribed by law.

39 **Sec. 5.5.** NRS 3.275 is hereby amended to read as follows:

40 3.275 1. The clerk of each district court shall obtain and file
41 information regarding the nature of each *criminal and* civil case
42 filed with the district court. *If the criminal case is referred to a*
43 *specialty court program, the clerk must obtain and file*
44 *information regarding the nature of the case and the program to*
45 *which the defendant was referred.*



2. The clerk shall provide a form approved by the Court Administrator for obtaining the information required by subsection 1. No **criminal or** civil case may be filed in the district court unless the initial pleading is accompanied by the form, signed by the initiating party or his representative. *In addition to the information on the form, the clerk shall maintain information concerning the disposition of each criminal case and, if applicable, whether the defendant successfully completed a specialty court program.*

3. The clerk shall maintain the information contained in the form *and collected pursuant to subsection 2* in a separate system of filing to allow the retrieval of statistics relating to ~~the number, nature and date of~~ each **criminal and** civil action filed in the district courts.

Sec. 6. This act becomes effective on July 1, 2010.

