

Amendment No. 636

Assembly Amendment to Assembly Bill No. 531

(BDR 14-1192)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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 dashed underlining*** is newly added transitory language.

WBD/RBL



Date: 5/13/2009

A.B. No. 531—Revises provisions governing the distribution of the proceeds of certain administrative assessments. (BDR 14-1192)



ASSEMBLY BILL NO. 531—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

APRIL 2, 2009

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing the distribution of the proceeds of certain administrative assessments. (BDR 14-1192)

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 distribution of the proceeds of certain administrative assessments; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a person who pleads or is found guilty of a misdemeanor is required to pay an administrative assessment in addition to any other penalty imposed by the judge. A portion of the proceeds of those assessments must be deposited in the State General Fund and distributed for certain prescribed uses. (NRS 176.059) This bill revises the provisions governing the distribution of those proceeds by: (1) authorizing the Court Administrator to allocate a certain percentage of the proceeds among several prescribed uses; (2) authorizing the use of such proceeds pursuant to legislative authorization for the support of programs within the Office of the Attorney General related to victims of domestic violence; and (3) providing that any proceeds deposited in the State General Fund that are not distributed must be transferred to the uncommitted balance of the State General Fund.

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 guilty but mentally ill or is found guilty or guilty but mentally ill 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
\$5 to \$49.....	\$25
50 to 59.....	40

60 to 69.....	\$45
70 to 79.....	50
80 to 89.....	55
90 to 99.....	60
100 to 199.....	70
200 to 299.....	80
300 to 399.....	90
400 to 499.....	100
500 to 1,000.....	115

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 amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

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

(a) An ordinance regulating metered parking; or

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

3. The money collected for an administrative assessment 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 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 amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. 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.

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

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city 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 to the county treasurer 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 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

1 for expenditure. The city treasurer shall provide, upon request by a municipal court,
2 monthly reports of the revenue credited to and expenditures made from the special
3 revenue fund.

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

6 6. The money collected for administrative assessments in justice courts must
7 be paid by the clerk of the court to the county treasurer on or before the fifth day of
8 each month for the preceding month. The county treasurer shall distribute, on or
9 before the 15th day of that month, the money received in the following amounts for
10 each assessment received:

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

17 (b) Seven dollars for credit to a special revenue fund for the use of the justice
18 courts. Any money remaining in the special revenue fund after 2 fiscal years must
19 be deposited in the county general fund if it has not been committed for
20 expenditure. The county treasurer shall provide, upon request by a justice court,
21 monthly reports of the revenue credited to and expenditures made from the special
22 revenue fund.

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

25 7. The money apportioned to a juvenile court, a justice court or a municipal
26 court pursuant to this section must be used, in addition to providing services to
27 juvenile offenders in the juvenile court, to improve the operations of the court, or to
28 acquire appropriate advanced technology or the use of such technology, or both.
29 Money used to improve the operations of the court may include expenditures for:

- 30 (a) Training and education of personnel;
31 (b) Acquisition of capital goods;
32 (c) Management and operational studies; or
33 (d) Audits.

34 8. Of the total amount deposited in the State General Fund pursuant to
35 subsections 5 and 6, the State Controller shall distribute the money received to the
36 following public agencies in the following manner:

37 (a) Not less than 51 percent to the Office of Court Administrator for allocation
38 as follows:

39 (1) ~~Eighteen~~ **Thirty-six** and one-half percent of the amount distributed to
40 the Office of Court Administrator for ~~the~~ :

41 **(I) The** administration of the courts ~~for~~;

42 ~~(2) Nine percent of the amount distributed to the Office of Court~~
43 ~~Administrator for the~~ ;

44 **(II) The** development of a uniform system for judicial records ~~for~~;

45 ~~(3) Nine percent of the amount distributed to the Office of Court~~
46 ~~Administrator for continuing~~ ; and

47 **(III) Continuing** judicial education.

48 ~~(4)~~ **(2)** Forty-eight percent of the amount distributed to the Office of
49 Court Administrator for the Supreme Court.

50 ~~(5)~~ **(3)** Three and one-half percent of the amount distributed to the Office
51 of Court Administrator for the payment for the services of retired justices and
52 retired district judges.

~~[(6)]~~ (4) 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 Department of Public Safety of a computerized interoperative 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 ~~;~~ and

(6) Programs within the Office of the Attorney General related to victims of domestic violence.

9. *Any money deposited in the State General Fund pursuant to subsections 5 and 6 that is not distributed ~~by the State Controller~~ or used pursuant to paragraph (b) of subsection 8 must be transferred to the uncommitted balance of the State General Fund.*

10. 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. This act becomes effective on July 1, 2009.