

Amendment No. 163

Senate Amendment to Senate Bill No. 236 (BDR 14-896)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 236 (§ 1.5).

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.

KEL/BAW



Date: 4/8/2009

S.B. No. 236—Revises provisions relating to certain programs for criminal offenders and parolees. (BDR 14-896)



SENATE BILL NO. 236—SENATORS PARKS, COPENING, HORSFORD; BREEDEN, CARE,
COFFIN, LEE, WIENER AND WOODHOUSE

MARCH 13, 2009

JOINT SPONSOR: ASSEMBLYWOMAN PIERCE

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain programs for criminal
offenders and parolees. (BDR 14-896)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 criminal procedure; ~~increasing the amount of the administrative assessment required;~~ **requiring a certain fee** to be included in the sentence of certain defendants; creating the Fund for Reentry Programs; requiring ~~the increased amount of such an administrative assessment;~~ **such fees** to be credited to the Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law generally requires the judge to include an administrative assessment of \$25 in the sentence of a defendant who pleads guilty or is found guilty of a felony or gross misdemeanor. (NRS 176.062) Section 1 of this bill increases that administrative assessment by \$250 and requires that the money from the increased assessment. Section 1.5 of this bill requires a judge to include in the sentence of a defendant who pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, a category C, D or E felony or gross misdemeanor a fee of \$250 to be credited to the Fund for Reentry Programs which is created in section 2 of this bill. Existing law authorizes the establishment by a judicial district and by the Director of the Department of Corrections of programs for reentry of criminal offenders and parolees into the community. (NRS 209.4883, 209.4887) Section 2 authorizes the money in the Fund to be used only to pay necessary administrative costs and to pay for programs for reentry of criminal offenders and parolees into the community, including correctional programs and judicial programs.~~

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

Section 1. ~~NRS 176.062 is hereby amended to read as follows:~~
~~176.062 1. When a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the judge~~

1 ~~shall include in the sentence the sum of [\$25] \$275 as an administrative assessment~~
2 ~~and render a judgment against the defendant for the assessment;~~

3 ~~2. The money collected for an administrative assessment:~~

4 ~~(a) Must not be deducted from any fine imposed by the judge;~~

5 ~~(b) Must be taxed against the defendant in addition to the fine; and~~

6 ~~(c) Must be stated separately on the court's docket;~~

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

12 ~~(a) Five dollars for credit to a special account in the county general fund for the~~
13 ~~use of the district court;~~

14 ~~(b) Two hundred and fifty dollars to the State Controller for credit to the~~
15 ~~Fund for Reentry Programs created by section 2 of this act;~~

16 ~~(c) The remainder of each assessment to the State Controller;~~

17 ~~4. The State Controller shall credit the money received pursuant to paragraph~~
18 ~~(c) of subsection 3 to a special account for the assistance of criminal justice in the~~
19 ~~State General Fund, and distribute the money from the account to the Attorney~~
20 ~~General as authorized by the Legislature. Any amount received in excess of the~~
21 ~~amount authorized by the Legislature for distribution must remain in the account.]~~
22 ~~(Deleted by amendment.)~~

23 Sec. 1.5. Chapter 176 of NRS is hereby amended by adding thereto a
24 new section to read as follows:

25 1. When a defendant pleads guilty or guilty but mentally ill to, or is found
26 guilty or guilty but mentally ill of, a category C, D or E felony or gross
27 misdemeanor, the judge shall include in the sentence, in addition to any other
28 fine, assessment, fee or restitution, the sum of \$250 as a fee to be deposited into
29 the Fund for Reentry Programs created by section 2 of this act and render a
30 judgment against the defendant for the fee.

31 2. The money collected as a fee pursuant to subsection 1:

32 (a) Must not be deducted from any fine imposed by the judge;

33 (b) Must be taxed against the defendant in addition to the fine; and

34 (c) Must be stated separately on the court's docket.

35 3. The money collected as fees in district courts must be paid by the clerk of
36 the court to the county treasurer on or before the fifth day of each month for the
37 preceding month. The county treasurer shall distribute, on or before the 15th day
38 of that month, the money received to the State Controller for credit to the Fund
39 for Reentry Programs created by section 2 of this act.

40 Sec. 2. Chapter 209 of NRS is hereby amended by adding thereto a new
41 section to read as follows:

42 1. The Fund for Reentry Programs is hereby created in the State Treasury
43 as a special revenue fund, to be administered by the Director.

44 2. The Director may apply for and accept any gift, donation, bequest, grant
45 or other source of money for the use of the Fund.

46 3. All money received for the use of the Fund pursuant to subsection 2 or
47 NRS ~~(176.062 or)~~ 209.4889 or section 1.5 of this act or from any other source
48 must be deposited in the State Treasury for credit to the Fund.

49 4. All expenditures from the Fund must be approved by the Director. The
50 money in the Fund may be expended only to pay necessary administrative costs
51 and to pay for programs for reentry of offenders and parolees into the
52 community, including, without limitation, correctional programs and judicial
53 programs.

1 **5. The interest and income earned on the money in the Fund, after**
2 **deducting any applicable charges, must be credited to the Fund. All claims**
3 **against the Fund must be paid as other claims against the State are paid.**

4 **Sec. 3.** NRS 209.4871 is hereby amended to read as follows:

5 209.4871 As used in NRS 209.4871 to 209.4889, inclusive, **and section 2 of**
6 **this act**, unless the context otherwise requires, the words and terms defined in NRS
7 209.4873 to 209.488, inclusive, have the meanings ascribed to them in those
8 sections.

9 **Sec. 4.** NRS 209.4889 is hereby amended to read as follows:

10 209.4889 1. The Director may, after consulting with the Division, enter into
11 one or more contracts with one or more public or private entities to provide any of
12 the following services, as necessary and appropriate, to offenders or parolees
13 participating in a correctional or judicial program:

- 14 (a) Transitional housing;
15 (b) Treatment pertaining to substance abuse or mental health;
16 (c) Training in life skills;
17 (d) Vocational rehabilitation and job skills training; and
18 (e) Any other services required by offenders or parolees who are participating
19 in a correctional or judicial program.

20 2. The Director shall, as necessary and appropriate, provide referrals and
21 information regarding:

- 22 (a) Any of the services provided pursuant to subsection 1;
23 (b) Access and availability of any appropriate self-help groups;
24 (c) Social services for families and children; and
25 (d) Permanent housing.

26 3. The Director may apply for and accept any gift, donation, bequest, grant or
27 other source of money to carry out the provisions of this section. **Any money**
28 **received pursuant to this subsection must be deposited in the State Treasury for**
29 **credit to the Fund for Reentry Programs created by section 2 of this act.**

30 4. As used in this section, "training in life skills" includes, without limitation,
31 training in the areas of:

- 32 (a) Parenting;
33 (b) Improving human relationships;
34 (c) Preventing domestic violence;
35 (d) Maintaining emotional and physical health;
36 (e) Preventing abuse of alcohol and drugs;
37 (f) Preparing for and obtaining employment; and
38 (g) Budgeting, consumerism and personal finances.

39 **Sec. 5.** This act becomes effective on July 1, 2009.