

ASSEMBLY BILL NO. 520—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to the payment of compensation for and expenses of court-appointed attorneys. (BDR 1-1168)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 attorneys; revising provisions relating to the payment of compensation for and expenses of court-appointed attorneys; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that the county treasury shall pay for the compensation
2 and expenses of a court-appointed attorney except in postconviction proceedings
3 for habeas corpus, in which case the compensation of a court-appointed attorney
4 and related expenses are paid from money appropriated to the Office of the State
5 Public Defender and supplemented by money allocated from the Reserve for
6 Statutory Contingency Account after the State Public Defender's appropriation is
7 exhausted. (NRS 7.155, 353.264) **Section 1** of this bill requires all the
8 compensation and expenses of a court-appointed attorney to be paid from the
9 treasury of the county in which a court appointed the attorney.

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

- 1 **Section 1.** NRS 7.155 is hereby amended to read as follows:
2 7.155 The compensation and expenses of an attorney appointed
3 to represent a defendant must be paid from the county treasury .



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~~unless the proceedings are based upon a postconviction petition for habeas corpus, in which case the compensation and expenses must be paid from money appropriated to the Office of State Public Defender, but after the appropriation for such expenses is exhausted, money must be allocated to the Office of State Public Defender from the reserve for statutory contingency account for the payment of such compensation and expenses.]~~

Sec. 2. NRS 7.165 is hereby amended to read as follows:

7.165 If at any time after the appointment of an attorney or attorneys the magistrate or the district court finds that money is available for payment from or on behalf of the defendant so that the defendant is financially able to obtain private counsel or to make partial payment for such representation, the magistrate or the district court may:

1. Terminate the appointment of such attorney or attorneys; or

2. Direct that such money be paid to:

(a) The appointed attorney or attorneys, in which event any compensation provided for in NRS 7.125 shall be reduced by the amount of the money so paid, and no such attorney may otherwise request or accept any payment or promise of payment for representing such defendant; or

(b) The clerk of the district court for deposit in the county treasury, ~~[if all of]~~ **to the extent that** the compensation and expenses in connection with the representation of such defendant were paid from the county treasury . ~~[-, and remittance to the Office of State Public Defender, if such compensation and expenses were paid partly from moneys appropriated to the Office of State Public Defender and the money received exceeds the amount of compensation and expenses paid from the county treasury.]~~

Sec. 3. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and



(2) NRS ~~7.155,1~~ 34.750, 176A.640, 179.225 and 213.153,
→ except that claims may be approved for the respective purposes
listed in this paragraph only when the money otherwise appropriated
for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State
pursuant to NRS 41.0349 and 41.037, but only to the extent that the
money in the Fund for Insurance Premiums is insufficient to pay the
claims; and

(d) The payment of claims which are obligations of the State
pursuant to NRS 535.030 arising from remedial actions taken by the
State Engineer when the condition of a dam becomes dangerous to
the safety of life or property.

3. The State Board of Examiners may authorize its Clerk,
under such circumstances as it deems appropriate, to approve, on
behalf of the Board, the payment of claims from the Reserve for
Statutory Contingency Account. For the purpose of exercising any
authority granted to the Clerk of the State Board of Examiners
pursuant to this subsection, any statutory reference to the State
Board of Examiners relating to such a claim shall be deemed to refer
to the Clerk of the Board.

Sec. 4. The provisions of NRS 354.599 do not apply to any
additional expenses of a local government that are related to the
provisions of this act.

Sec. 5. This act becomes effective on July 1, 2011.

