

## Amendment No. 15

Assembly Amendment to Assembly Bill No. 49

(BDR 14-279)

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 49 (§§ 9, 10, 13, 18).

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 underlining* is newly added transitory language.

BFG/BAW



Date: 3/30/2011

A.B. No. 49—Revises provisions relating to public defenders. (BDR 14-279)



## ASSEMBLY BILL NO. 49—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED DECEMBER 14, 2010

Referred to Concurrent Committees on  
Judiciary and Taxation

SUMMARY—Revises provisions relating to public defenders. (BDR 14-279)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public defenders; establishing the Fund for Legal Defense of Indigent Persons; authorizing certain counties to apply to the Board of Trustees of the Fund for reimbursement of certain extraordinary costs of providing public defender services; providing for an additional administrative assessment to be paid by persons who plead guilty to or are convicted of a misdemeanor; increasing certain administrative assessments; requiring certain administrative assessments to be deposited in the Fund for Legal Defense of Indigent Persons; imposing an additional sales and use tax; authorizing boards of county commissioners to impose an additional sales and use tax; requiring revenue generated by the additional sales and use taxes to be used by counties for provision of legal services to indigent persons; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, any county whose population is 100,000 or more (currently Washoe and Clark Counties) must create an office of public defender to provide defense services to indigent persons, and any county with a population of less than 100,000 may, but is not required to, create such an office. (NRS 260.010) The State Public Defender provides indigent defense services in counties that have not created an office of public defender or hired private attorneys to provide indigent defense services, and the State Public Defender may charge those counties, in amounts not to exceed limits set by the Legislature, for providing those services. (NRS 180.110) This bill provides additional revenue which counties must use to pay for indigent defense services.

Existing law requires a person who pleads or is found guilty of any crime to pay certain administrative assessments in addition to any other penalty imposed by the judge. (NRS 176.059-176.062) **Section 9** of this bill establishes an additional administrative assessment of \$4, which must be paid by a person who pleads or is found guilty of a misdemeanor. **Section 10** of this bill increases by \$5 one of the administrative assessments required to be paid by a person who pleads or is found guilty of a misdemeanor. **Section 13** of this bill increases from \$25 to \$50 the administrative assessment required to be paid by a person who pleads or is

found guilty of a gross misdemeanor or felony. The money received from these additional administrative assessments must be deposited in a Fund for Legal Defense of Indigent Persons, which is created by **section 5** of this bill. **Section 6** of this bill establishes a Board of Trustees of the Fund, consisting of four county commissioners appointed to the Board by the Governor and one public defender appointed to the Board by the Governor. **Section 8** of this bill authorizes a county which has imposed the additional sales and use tax authorized by **section 19** of this bill to apply to the Board for reimbursement from the Fund of certain extraordinary costs paid by the county in connection with the provision of indigent defense services.

**Sections 17-22** of this bill establish an additional method for a county to pay the costs incurred by the county in connection with the provision of indigent defense services. **Section 18** imposes an additional one-eighth of 1 percent sales and use tax throughout this State. **Section 19** authorizes a board of county commissioners to impose an additional sales and use tax of not more than one-eighth of 1 percent in that county. **Sections 20 and 21** require these taxes to be distributed to counties after deduction of a certain percentage of the taxes to compensate the State for collection costs. **Section 22** requires a county to deposit these taxes in a separate fund known as the Indigent Legal Defense Fund and authorizes the county to use money in this Fund to pay for: (1) the county's public defender; (2) any amount required to be paid by the county to the State Public Defender; or (3) any other costs required to be paid by the county in connection with the provision of legal services to indigent persons.

---

WHEREAS, In Gideon v. Wainwright, 372 U.S. 335 (1963), the United States Supreme Court held that the United States Constitution requires states to furnish legal counsel to indigent persons who are charged with a crime; and

WHEREAS, Since the decision in Gideon, the United States Supreme Court has held that the United States Constitution requires states to furnish legal counsel to indigent persons in additional circumstances, including, without limitation, juvenile delinquency proceedings, misdemeanor cases for which incarceration is possible and certain pretrial and postconviction proceedings; and

WHEREAS, On April 26, 2007, the Nevada Supreme Court ordered the creation of the Indigent Defense Commission to study various issues concerning the system used in this State to provide indigent defense services; and

WHEREAS, Upon the recommendation of the Indigent Defense Commission, the Nevada Supreme Court has adopted performance standards for public defenders in this State and is considering adopting limits on the caseloads of public defenders, and

WHEREAS, In the State of Nevada, counties with a population of 100,000 or more are required to create an office of public defender and counties with a population of less than 100,000 may create an office of public defender, hire private attorneys to provide indigent defense services or use the State Public Defender to provide such services; and

WHEREAS, Counties pay a substantial percentage of the total expenditures in this State for indigent defense services; and

WHEREAS, The provision of competent indigent defense services in an increased number of cases has placed financial strain on counties in this State; and

WHEREAS, To ensure that counties in this State are able to pay for indigent defense services that satisfy constitutional standards, it is necessary to provide additional sources of funding for indigent defense services in this State; now, therefore,

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

**Section 1.** Title 14 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 8, inclusive, of this act.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Board” means the Board of Trustees of the Fund.*

**Sec. 4.** *“Fund” means the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.*

**Sec. 5. 1.** *The Fund for Legal Defense of Indigent Persons is hereby created as a special revenue fund for the purposes described in this chapter.*

**2.** *Interest earned on the money in the Fund must be deposited for credit to the Fund.*

**3.** *Any money remaining in the Fund at the end of a fiscal year remains in the Fund and does not revert to the State General Fund.*

**4.** *Claims against the Fund must be paid on claims approved by the Board.*

**Sec. 6. 1.** *The Fund must be administered by a Board of Trustees composed of five members who are appointed by the Governor. The Governor shall appoint as members of the Board:*

**(a)** *Four county commissioners from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties; and*

**(b)** *One member who is a public defender.*

**2.** *Each member of the Board of Trustees shall serve a term of 1 year or until a successor has been appointed and has qualified.*

**3.** *The position of a member of the Board of Trustees shall be deemed vacated upon the loss of any of the qualifications required for the appointment of the member.*

**4.** *A vacancy on the Board must be filled in the same manner as the original appointment.*

**Sec. 7.** *The Board shall administer the Fund and for that purpose may:*

**1.** *Enter into all necessary contracts and agreements.*

**2.** *Employ personnel as necessary and prescribe their compensation and working conditions.*

**3.** *Enter into agreements with the Department of Administration to obtain the services of consultants, attorneys, auditors and accountants.*

**4.** *Rent, lease, purchase or otherwise procure or receive real or personal property.*

**5.** *Adopt regulations necessary for carrying out the provisions of this chapter.*

**Sec. 8. 1.** *A county which has imposed the maximum amount of the tax authorized by section 19 of this act may apply to the Board for reimbursement or partial reimbursement of extraordinary costs that the county is required to pay in connection with the provision of legal services to an indigent person.*

**2.** *The Board shall set forth the manner in which counties may apply for reimbursement pursuant to this section.*

**3.** *After reviewing an application received pursuant to this section, the Board may approve reimbursement of all or part of the costs if the Board determines that:*

**(a)** *The county has imposed the maximum amount of the tax authorized by section 19 of this act;*

1       (b) *The county was required to pay the costs in connection with the provision*  
2 *of legal services to an indigent person;*

3       (c) *The costs were extraordinary; and*

4       (d) *The costs were incurred in a complex case, a capital case or a case in*  
5 *which an unforeseen increase in costs occurred.*

6       4. *If the Board approves reimbursement or partial reimbursement, payment*  
7 *to the county must be made from the Fund, to the extent money is available in the*  
8 *Fund.*

9       5. *Upon payment to the county, the Board:*

10       (a) *Is subrogated to the right of the county to recover from the indigent*  
11 *person or any other person responsible for the support of the indigent person any*  
12 *costs paid by the county for the provision of legal services to the indigent person,*  
13 *to the extent of the reimbursement or partial reimbursement paid from the Fund;*  
14 *and*

15       (b) *Has a lien upon the proceeds of any recovery by the county of any costs*  
16 *paid by the county for the provision of legal services to the indigent person, to the*  
17 *extent of the reimbursement or partial reimbursement paid from the Fund.*

18       6. *As used in this section:*

19       (a) *“Capital case” means a criminal case in which the most serious crime*  
20 *charged is a felony punishable by death or by imprisonment for life with or*  
21 *without possibility of parole.*

22       (b) *“Complex case” means a case in which the provision of adequate legal*  
23 *representation requires significantly more time or resources because of:*

24       (1) *The number, novelty or difficulty of the factual or legal issues*  
25 *involved in the case;*

26       (2) *The severity of the charges against the client; or*

27       (3) *Other special circumstances.*

28       Sec. 9. Chapter 176 of NRS is hereby amended by adding thereto a new  
29 section to read as follows:

30       1. *The justices or judges of the justice or municipal courts shall impose, in*  
31 *addition to an administrative assessment imposed pursuant to NRS 176.059,*  
32 *176.0611 and 176.0613, an administrative assessment for the provision of legal*  
33 *services to indigent persons.*

34       2. *Except as otherwise provided in subsection 3, when a defendant pleads*  
35 *guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a*  
36 *misdemeanor, including the violation of any municipal ordinance, the justice or*  
37 *judge shall include in the sentence the sum of \$4 as an administrative assessment*  
38 *for the provision of legal services to indigent persons and render a judgment*  
39 *against the defendant for the assessment. If a defendant is sentenced to perform*  
40 *community service in lieu of a fine, the sentence must include the administrative*  
41 *assessment required pursuant to this subsection.*

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

43       (a) *An ordinance regulating metered parking; or*

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

46       4. *The money collected for an administrative assessment for the provision*  
47 *of legal services to indigent persons must not be deducted from the fine imposed*  
48 *by the justice or judge but must be taxed against the defendant in addition to the*  
49 *fine. The money collected for such an administrative assessment must be stated*  
50 *separately on the court’s docket and must be included in the amount posted for*  
51 *bail. If bail is forfeited, the administrative assessment included in the bail*  
52 *pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If*  
53 *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 the defendant has paid, and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of legal services to indigent persons to be paid in installments, the payments must be applied in the following order:

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

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

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

(d) To pay the unpaid balance of an administrative assessment for the provision of legal services to indigent persons pursuant to this section; and

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of legal services to indigent persons 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. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to the Fund for Legal Defense of Indigent Persons created by section 5 of this act.

7. The money collected for an administrative assessment for the provision of legal services to indigent persons in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to the Fund for Legal Defense of Indigent Persons created by section 5 of this act.

**Sec. 10.** 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 .....	<del>[\$30]</del> \$35
50 to 59 .....	<del>[45]</del> 50
60 to 69 .....	<del>[50]</del> 55
70 to 79 .....	<del>[55]</del> 60
80 to 89 .....	<del>[60]</del> 65
90 to 99 .....	<del>[65]</del> 70
100 to 199 .....	<del>[75]</del> 80
200 to 299 .....	<del>[85]</del> 90
300 to 399 .....	<del>[95]</del> 100
400 to 499 .....	<del>[105]</del> 110
500 to 1,000 .....	<del>[120]</del> 125

1 If the justice or judge sentences the defendant to perform community service in lieu  
2 of a fine, the justice or judge shall include in the sentence the amount of the  
3 administrative assessment that corresponds with the fine for which the defendant  
4 would have been responsible as prescribed by the schedule in this subsection.

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

6 (a) An ordinance regulating metered parking; or

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

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

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

29 5. The money collected for administrative assessments in municipal court  
30 must be paid by the clerk of the court to the city treasurer on or before the fifth day  
31 of each month for the preceding month. The city treasurer shall distribute, on or  
32 before the 15th day of that month, the money received in the following amounts for  
33 each assessment received:

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

41 (b) Seven dollars for credit to a special revenue fund for the use of the  
42 municipal courts. Any money remaining in the special revenue fund after 2 fiscal  
43 years must be deposited in the municipal general fund if it has not been committed  
44 for expenditure. The city treasurer shall provide, upon request by a municipal court,  
45 monthly reports of the revenue credited to and expenditures made from the special  
46 revenue fund.

47 (c) Five dollars to the State Controller for credit to the State General Fund.

48 (d) *Five dollars to the State Controller for credit to the Fund for Legal*  
49 *Defense of Indigent Persons created pursuant to section 5 of this act.*

50 (e) The remainder of each assessment to the State Controller for credit to a  
51 special account in the State General Fund for distribution as provided in  
52 subsection 8.

6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county 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 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 justice courts. Any money remaining in the special revenue fund 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 justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) Five dollars to the State Controller for credit to the State General Fund.

(d) *Five dollars to the State Controller for credit to the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.*

(e) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.

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

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

8. Of the total amount deposited in the State General Fund pursuant to paragraph ~~(d)~~ (e) of subsection 5 and paragraph ~~(d)~~ (e) of subsection 6, the State Controller shall distribute the money received to the following public agencies in the following manner:

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

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

- (I) The administration of the courts;
- (II) The development of a uniform system for judicial records; and
- (III) Continuing judicial education.

(2) Forty-eight percent of the amount distributed to the Office of Court Administrator for the Supreme Court.

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

(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;  
(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 paragraph ~~((d))~~ (e) of subsection 5 and paragraph ~~((d))~~ (e) of subsection 6 that is not distributed 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. 11.** NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, *and section 9 of this act*, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, 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 of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. 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 administrative assessment required pursuant to this subsection.

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

(a) An ordinance regulating metered parking; or

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

4. The money collected for an administrative assessment for the provision of court facilities 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 such 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 6 or 7. 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 the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

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

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

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

8        (c) To pay the unpaid balance of an administrative assessment for the provision  
9 of specialty court programs pursuant to NRS 176.0613; ~~land~~

10        (d) *To pay the unpaid balance of an administrative assessment for the*  
11 *provision of legal services to indigent persons pursuant to section 9 of this act;*  
12 *and*

13        (e) To pay the fine.

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

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

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

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

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

29        (e) Acquire advanced technology for use in the additional or renovated  
30 facilities.

31        (f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS  
32 350.020 for the acquisition of land or facilities or the construction or renovation of  
33 facilities for the municipal courts or a regional justice center that includes the  
34 municipal courts.

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

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

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

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

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

51        (d) Acquire furniture, fixtures and equipment necessitated by the construction  
52 or acquisition of additional facilities or the renovation of an existing facility for the  
53 justice courts or a regional justice center that includes the justice courts. This

paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

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

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

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

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

**Sec. 12.** NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, *and section 9 of this act*, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, 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 of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 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.

4. The money collected for an administrative assessment for the provision of specialty court programs 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 such 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 bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. 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 the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

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

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

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

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

(d) *To pay the unpaid balance of an administrative assessment for the provision of legal services to indigent persons pursuant to section 9 of this act; and*

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs 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. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

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

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

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

(a) Pay for the treatment and testing of persons who participate in the program; 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, 176A.280 or 453.580.

1       **Sec. 13.** NRS 176.062 is hereby amended to read as follows:

2       176.062 1. When a defendant pleads guilty or guilty but mentally ill or is  
3 found guilty or guilty but mentally ill of a felony or gross misdemeanor, the judge  
4 shall include in the sentence the sum of ~~[\$25]~~ \$50 as an administrative assessment  
5 and render a judgment against the defendant for the assessment.

6       2. The money collected for an administrative assessment:

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

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

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

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

15      (a) Five dollars for credit to a special account in the county general fund for the  
16 use of the district court.

17      (b) *Twenty-five dollars to the State Controller for credit to the Fund for  
18 Legal Defense of Indigent Persons created pursuant to section 5 of this act.*

19      (c) The remainder of each assessment to the State Controller.

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

25      **Sec. 14.** NRS 179.225 is hereby amended to read as follows:

26      179.225 1. If the punishment of the crime is the confinement of the criminal  
27 in prison, the expenses must be paid from money appropriated to the Office of the  
28 Attorney General for that purpose, upon approval by the State Board of Examiners.  
29 After the appropriation is exhausted, the expenses must be paid from the Reserve  
30 for Statutory Contingency Account upon approval by the State Board of Examiners.  
31 In all other cases, they must be paid out of the county treasury in the county  
32 wherein the crime is alleged to have been committed. The expenses are:

33      (a) If the prisoner is returned to this State from another state, the fees paid to  
34 the officers of the state on whose governor the requisition is made;

35      (b) If the prisoner is returned to this State from a foreign country or  
36 jurisdiction, the fees paid to the officers and agents of this State or the United  
37 States; or

38      (c) If the prisoner is temporarily returned for prosecution to this State from  
39 another state pursuant to this chapter or chapter 178 of NRS and is then returned to  
40 the sending state upon completion of the prosecution, the fees paid to the officers  
41 and agents of this State,

42      ➤ and the per diem allowance and travel expenses provided for state officers and  
43 employees generally incurred in returning the prisoner.

44      2. If a person is returned to this State pursuant to this chapter or chapter 178  
45 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo  
46 contendere to, the criminal charge for which the person was returned or a lesser  
47 criminal charge, the court shall conduct an investigation of the financial status of  
48 the person to determine the ability to make restitution. In conducting the  
49 investigation, the court shall determine if the person is able to pay any existing  
50 obligations for:

51      (a) Child support;

52      (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 9 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 the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

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

**Sec. 15.** NRS 211.245 is hereby amended to read as follows:

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

(a) The amount of reimbursement due;

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

(c) Attorney's fees and costs.

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

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

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

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

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

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

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

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

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

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

(a) Child support or alimony;

(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 section 9 of this act,*

has priority over the payment of a judgment entered pursuant to this section.

1       **Sec. 16.** NRS 249.085 is hereby amended to read as follows:

2       249.085 On or before the 15th day of each month, the county treasurer shall  
3 report to the State Controller the amount of the administrative assessments paid by  
4 each justice court for the preceding month pursuant to NRS 176.059 and 176.0613  
5 ~~and section 9 of this act.~~

6       **Sec. 17.** Title 32 of NRS is hereby amended by adding thereto a new chapter  
7 to consist of the provisions set forth as sections 18 to 22, inclusive, of this act.

8       **Sec. 18. 1.** *For the privilege of selling tangible personal property at retail,*  
9 *a tax is hereby imposed upon all retailers at the rate of one-eighth of 1 percent of*  
10 *the gross receipts of any retailer from the sale of all tangible personal property*  
11 *sold at retail in a county.*

12       2. *An excise tax is hereby imposed on the storage, use or other consumption*  
13 *in a county of tangible personal property purchased from any retailer for storage,*  
14 *use or other consumption in the county at the rate of one-eighth of 1 percent of*  
15 *the sales price of the property. The tax is imposed on all property which was*  
16 *acquired out of State in a transaction which would have been a taxable sale if it*  
17 *had occurred within this State.*

18       3. *Except as otherwise provided in sections 20, 21 and 22 of this act, the tax*  
19 *must be administered, collected and distributed in the same manner as the tax set*  
20 *forth in chapter 374 of NRS.*

21       **Sec. 19. 1.** *In addition to the amount of tax imposed pursuant to section*  
22 *18 of this act, the board of county commissioners of any county may by*  
23 *ordinance, but not as in a case of emergency, impose an additional tax pursuant*  
24 *to this section to pay a portion of the fees, expenses and other costs required to be*  
25 *paid by the county in connection with the provision of legal services to indigent*  
26 *persons.*

27       2. *An ordinance enacted pursuant to this chapter may not become effective*  
28 *before a question concerning the imposition of the tax is approved by a two-thirds*  
29 *majority of the members of the board of county commissioners. Any proposal to*  
30 *increase the rate of the tax must be approved by a two-thirds majority of the*  
31 *members of the board of county commissioners.*

32       3. *Any ordinance enacted pursuant to this section must specify the date on*  
33 *which the tax must first be imposed or on which an increase in the rate of the tax*  
34 *becomes effective, which must be the first day of the first calendar quarter that*  
35 *begins at least 120 days after the ~~approval of~~ date on which a two-thirds*  
36 *majority of the board of county commissioners approved the question. ~~By the~~*  
37 *voters.*

38       4. *An ordinance enacted pursuant to this section must include provisions in*  
39 *substance as follows:*

40       (a) *A provision imposing a tax upon retailers at the rate of not more than*  
41 *one-eighth of 1 percent of the gross receipts of any retailer from the sale of all*  
42 *tangible personal property sold at retail, or stored, used or otherwise consumed,*  
43 *in the county.*

44       (b) *Provisions substantially identical to those contained in chapter 374 of*  
45 *NRS, insofar as applicable.*

46       (c) *A provision that all amendments to chapter 374 of NRS after the date of*  
47 *enactment of the ordinance, not inconsistent with this chapter, automatically*  
48 *become a part of an ordinance enacted pursuant to this section.*

49       (d) *A provision that the county shall contract before the effective date of the*  
50 *ordinance with the Department to perform all functions incident to the*  
51 *administration or operation of the tax in the county.*

52       (e) *A provision that a purchaser is entitled to a refund, in the same manner*  
53 *as set forth in NRS 374.635 to 374.720, inclusive, of the amount of the tax*



1 *required to be paid that is attributable to the tax imposed upon the sale of, and*  
2 *the storage, use or other consumption in a county of, tangible personal property*  
3 *used for the performance of a written contract:*

4 *(1) Entered into on or before the effective date of the tax or the increase*  
5 *in the tax; or*

6 *(2) For the construction of an improvement to real property for which a*  
7 *binding bid was submitted before the effective date of the tax or the increase in*  
8 *the tax if the bid was afterward accepted,*

9 *↳ if, under the terms of the contract or bid, the contract price or bid amount*  
10 *cannot be adjusted to reflect the imposition of the tax or the increase in the tax.*

11 *5. An ordinance amending an ordinance enacted pursuant this section must*  
12 *include a provision in substance that the county shall amend the contract made*  
13 *pursuant to paragraph (d) of subsection 4 by a contract made between the county*  
14 *and the State acting by and through the Department before the effective date of*  
15 *the amendatory taxing ordinance, unless the county determines with the written*  
16 *concurrence of the Department that no such amendment of the contract is*  
17 *necessary or desirable.*

18 *6. In any proceeding under any ordinance enacted pursuant to this section,*  
19 *the Department may act for and on behalf of the county which has enacted that*  
20 *ordinance.*

21 **Sec. 20. 1. All fees, taxes, interest and penalties imposed and all amounts**  
22 **of tax required to be paid to the counties under this chapter must be paid to the**  
23 **Department in the form of remittances payable to the Department.**

24 **2. The Department shall deposit the payments with the State Treasurer for**  
25 **credit to the Sales and Use Tax Account in the State General Fund.**

26 **3. The State Controller, acting upon the collection data furnished by the**  
27 **Department, shall monthly:**

28 *(a) Transfer from the Sales and Use Tax Account to the appropriate account*  
29 *in the State General Fund 1.75 percent of all fees, taxes, interest and penalties*  
30 *collected pursuant to this chapter during the preceding month as compensation to*  
31 *the State for the cost of collecting the tax.*

32 *(b) Determine for each county an amount of money equal to any fees, taxes,*  
33 *interest and penalties collected in or for that county pursuant to this chapter*  
34 *during the preceding month, less the amount transferred to the State General*  
35 *Fund pursuant to paragraph (a).*

36 *(c) Transfer the amount determined for each county to the*  
37 *Intergovernmental Fund and remit the money to the county treasurer.*

38 **Sec. 21. The Department may redistribute any fee, tax, penalty and interest**  
39 **to the county entitled thereto, but no such redistribution may be made as to**  
40 **amounts originally distributed more than 6 months before the date on which the**  
41 **Department obtains knowledge of the improper distribution.**

42 **Sec. 22. 1. The county treasurer shall deposit the money received from**  
43 **the State Controller pursuant to section 20 of this act in the county treasury for**  
44 **credit to a fund to be known as the Indigent Legal Defense Fund. The Indigent**  
45 **Legal Defense Fund must be accounted for as a separate fund and not as a part**  
46 **of any other fund.**

47 **2. The board of county commissioners may only use money in the Indigent**  
48 **Legal Defense Fund to pay:**

49 *(a) The costs of creating, maintaining, operating or administering the office*  
50 *of public defender created by the county pursuant to NRS 260.010;*

51 *(b) Any amount required to be paid by the county to the State Public*  
52 *Defender; or*



1        *(c) Any other fees, expenses or costs required to be paid by the county in*  
2        *connection with the provision of legal services to an indigent person.*

3        **Sec. 23.** ~~[This act becomes effective on July 1, 2011.]~~ (Deleted by  
4        amendment.)