

## Amendment No. 7

Senate Amendment to Senate Bill No. 26 (BDR 14-323)

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

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: 4/14/2011

S.B. No. 26—Revises various provisions relating to judicial administration.  
(BDR 14-323)



## SENATE BILL NO. 26—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to judicial administration.  
(BDR 14-323)

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 judicial administration; revising provisions governing the appointment of an attorney in ~~criminal and~~ juvenile court proceedings; revising provisions governing the collection of delinquent fines, administrative assessments, fees, restitution and other payments imposed in criminal and juvenile court proceedings; revising provisions concerning the approval or rejection of the recommendations of a master of the juvenile court; authorizing a juvenile court to establish a restitution contribution fund; authorizing the waiver of all or part of any ~~fine or~~ community service imposed by the juvenile court in exchange for a monetary contribution to a restitution contribution fund; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a ~~court to appoint the public defender to represent a criminal defendant if: (1) the defendant has requested the appointment of an attorney to represent him or her; and (2) the court finds that the defendant is without means of employing an attorney and that representation of the defendant is required. (NRS 171.188) In addition, existing law requires a~~ juvenile court to appoint an attorney to represent a child who is alleged to be delinquent or in need of supervision under certain circumstances. If the parent or guardian of a child for whom the juvenile court has appointed an attorney is not indigent, the parent or guardian is required to pay the reasonable fees and expenses of the attorney. If the parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with the parent or guardian's ability to pay. (NRS 62D.030)

~~[Section 1 of this bill provides standards for determining whether a criminal defendant is entitled to have a public defender appointed to represent him or her. Under section 1, the court is required to appoint the public defender to represent a criminal defendant if the defendant: (1) receives public assistance, resides in public housing, has an income that is less than 200 percent of the federally designated poverty standard, is incarcerated or is housed in a public or private mental health facility; or (2) is financially unable, without substantial hardship to the~~

~~defendant or his or her dependents, to obtain qualified and competent legal counsel.]~~ **Section 7** of this bill provides ~~[similar]~~ standards for determining whether the parent or guardian of a child for whom the juvenile court has appointed an attorney is required to pay for such legal representation or reimburse the county or State for such legal representation. **Under section 7, the juvenile court is required to find that the parent or guardian of a child is indigent if the parent or guardian: (1) receives public assistance, resides in public housing, has an income that is less than 200 percent of the federally designated poverty standard, is incarcerated or is housed in a public or private mental health facility; or (2) is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.**

Existing law authorizes a court to impose a collection fee for certain delinquent fines, administrative assessments, fees and restitution and authorizes the court to take certain actions to collect such delinquent payments. (NRS 176.064) **Section 2** of this bill authorizes the court to enter a civil judgment for the amount of any unpaid fines, administrative assessments, fees and restitution imposed against a criminal defendant. Under **section 2**, the civil judgment may be enforced and renewed in the same manner as a judgment for money rendered in a civil action, and a person who is not indigent and who has not satisfied the civil judgment within a certain period may be punished for contempt. **Section 5** of this bill authorizes a juvenile court to impose the same collection fees for delinquent fines, administrative assessments, fees, restitution and certain other payments as a court may impose against a criminal defendant. **Section 5** authorizes a juvenile court to enter a civil judgment against a ~~[person who is not a minor]~~ **child or the parent or guardian of the child** for any delinquent fines, administrative assessments, fees, restitution or other payments required in a juvenile court proceeding and authorizes certain collection activities if the juvenile court has entered such a civil judgment. Moreover, if the juvenile court has entered a civil judgment against a person who is not indigent and the ~~[person has not satisfied the judgment within a certain period,]~~ **juvenile court determines that the person has failed to make reasonable efforts to satisfy the civil judgment,** **section 5** authorizes the juvenile court to punish the person for contempt. **Section 5** also authorizes the court to which the juvenile court has transferred **or certified** a case to include satisfaction of a civil judgment entered by the juvenile court in any sentence imposed by that court.

**Section 5.5 of this bill revises the procedure by which a judge of the juvenile court approves or rejects the recommendations of a master of the juvenile court or directs a hearing de novo before the juvenile court.**

**Section 9** of this bill authorizes a juvenile court to establish a restitution contribution fund. Under **section 9**, all expenditures from the restitution contribution fund: (1) must be authorized by the juvenile court; and (2) must provide restitution to victims of unlawful acts committed by children or, if the source of the money is a grant, gift, donation, bequest or devise, must be made in accordance with the terms of the grant, gift, donation, bequest or devise. **Section 10** of this bill authorizes the juvenile court to waive all or part of any ~~[fine or]~~ community service imposed **against a child** by the juvenile court in exchange for a monetary contribution to the restitution contribution fund and requires the juvenile court to set forth in an administrative order that is available for public inspection a formula for determining the amount of a contribution to the fund and the manner in which the contribution must be made. **Section 6** of this bill authorizes an agreement for the informal supervision of a child to require the child to make a monetary contribution to a restitution contribution fund.

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

**Section 1.** ~~[NRS 171.188 is hereby amended to read as follows:~~

~~171.188 1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant.~~

~~2. The request must be accompanied by the defendant's affidavit, which must state:~~

~~(a) That the defendant is without means of employing an attorney; and~~  
~~(b) Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.~~

~~3. The district judge, justice of the peace, municipal judge or master shall forthwith consider the application and shall make such further inquiry as he or she considers necessary. If the district judge, justice of the peace, municipal judge or master:~~

~~(a) Finds that the defendant is without means of employing an attorney [;]~~  
~~according to the criteria set forth in subsection 4; and~~

~~(b) Otherwise determines that representation is required;~~  
~~the judge, justice or master shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant. If the appropriate public defender is unable to represent the defendant, or other good cause appears, another attorney must be appointed.~~

~~4. For the purposes of paragraph (a) of subsection 3, a district judge, justice of the peace, municipal judge or master shall find that a defendant is without means of employing an attorney if:~~

~~(a) The defendant:~~

~~(1) Receives public assistance, as that term is defined in NRS 422A.065;~~

~~(2) Resides in public housing, as that term is defined in NRS 315.021;~~

~~(3) Has a household income that is less than 200 percent of the federally designated level signifying poverty;~~

~~(4) Is incarcerated pursuant to a sentence imposed upon conviction of a crime; or~~

~~(5) Is housed in a public or private mental health facility; or~~

~~(b) After considering the particular circumstances of the defendant, including, without limitation, the seriousness of the charges against the defendant, the monthly expenses of the defendant and the rates for attorneys in the area in which the court is located, the judge, justice or master determines that the defendant is financially unable, without substantial hardship to the defendant or his or her dependents, to obtain qualified and competent legal counsel.~~

~~5. The county or State Public Defender must be reimbursed by the city for costs incurred in appearing in municipal court. The county shall reimburse the State Public Defender for costs incurred in appearing in Justice Court. If a private attorney is appointed as provided in this section, the private attorney must be reimbursed by the county for appearance in Justice Court or the city for appearance in municipal court in an amount not to exceed \$75 per case.] (Deleted by amendment.)~~

**Sec. 2.** NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to

1 collect the fine, administrative assessment, fee or restitution through any other  
2 lawful means, take any or all of the following actions:

3 (a) Report the delinquency to reporting agencies that assemble or evaluate  
4 information concerning credit.

5 (b) Request that the court take appropriate action pursuant to subsection 3.

6 (c) Contract with a collection agency licensed pursuant to NRS 649.075 to  
7 collect the delinquent amount and the collection fee. The collection agency must be  
8 paid as compensation for its services an amount not greater than the amount of the  
9 collection fee imposed pursuant to subsection 1, in accordance with the provisions  
10 of the contract.

11 3. The court may, on its own motion or at the request of a state or local entity  
12 that is responsible for collecting the delinquent fine, administrative assessment, fee or  
13 restitution, take any or all of the following actions, in the following order of  
14 priority if practicable:

15 (a) *Enter a civil judgment for the amount due in favor of the state or local*  
16 *entity that is responsible for collecting the delinquent fine, administrative*  
17 *assessment, fee or restitution. A civil judgment entered pursuant to this*  
18 *paragraph may be enforced and renewed in the manner provided by law for the*  
19 *enforcement and renewal of a judgment for money rendered in a civil action. If*  
20 *the court has entered a civil judgment pursuant to this paragraph and the person*  
21 *against whom the judgment is entered is not indigent and has not satisfied the*  
22 *judgment within the time established by the court, the person may be punished*  
23 *for contempt.*

24 (b) Request that a prosecuting attorney undertake collection of the  
25 delinquency, including, without limitation, the original amount *of the civil*  
26 *judgment entered pursuant to paragraph (a)* and the collection fee, by attachment  
27 or garnishment of the defendant's property, wages or other money receivable.

28 ~~(b)(c)~~ (c) Order the suspension of the driver's license of the defendant. If the  
29 defendant does not possess a driver's license, the court may prohibit the defendant  
30 from applying for a driver's license for a specified period. If the defendant is  
31 already the subject of a court order suspending or delaying the issuance of the  
32 defendant's driver's license, the court may order the additional suspension or delay,  
33 as appropriate, to apply consecutively with the previous order. At the time the court  
34 issues an order suspending the driver's license of a defendant pursuant to this  
35 paragraph, the court shall require the defendant to surrender to the court all driver's  
36 licenses then held by the defendant. The court shall, within 5 days after issuing the  
37 order, forward to the Department of Motor Vehicles the licenses, together with a  
38 copy of the order. At the time the court issues an order pursuant to this paragraph  
39 delaying the ability of a defendant to apply for a driver's license, the court shall,  
40 within 5 days after issuing the order, forward to the Department of Motor Vehicles  
41 a copy of the order. The Department of Motor Vehicles shall report a suspension  
42 pursuant to this paragraph to an insurance company or its agent inquiring about the  
43 defendant's driving record, but such a suspension must not be considered for the  
44 purpose of rating or underwriting.

45 ~~(c)(d)~~ (d) For a delinquent fine or administrative assessment, order the  
46 confinement of the person in the appropriate prison, jail or detention facility, as  
47 provided in NRS 176.065 and 176.075.

48 4. Money collected from a collection fee imposed pursuant to subsection 1  
49 must be distributed in the following manner:

50 (a) Except as otherwise provided in paragraph (d), if the money is collected by  
51 or on behalf of a municipal court, the money must be deposited in a special fund in  
52 the appropriate city treasury. The city may use the money in the fund only to

1 develop and implement a program for the collection of fines, administrative  
2 assessments, fees and restitution.

3 (b) Except as otherwise provided in paragraph (d), if the money is collected by  
4 or on behalf of a justice court or district court, the money must be deposited in a  
5 special fund in the appropriate county treasury. The county may use the money in  
6 the special fund only to develop and implement a program for the collection of  
7 fines, administrative assessments, fees and restitution.

8 (c) Except as otherwise provided in paragraph (d), if the money is collected by  
9 a state entity, the money must be deposited in an account, which is hereby created  
10 in the State Treasury. The Court Administrator may use the money in the account  
11 only to develop and implement a program for the collection of fines, administrative  
12 assessments, fees and restitution in this State.

13 (d) If the money is collected by a collection agency, after the collection agency  
14 has been paid its fee pursuant to the terms of the contract, any remaining money  
15 must be deposited in the state, city or county treasury, whichever is appropriate, to  
16 be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

17 **Sec. 3.** NRS 176.065 is hereby amended to read as follows:

18 176.065 1. Except as otherwise provided in subsection 2, when a person is  
19 sentenced to both fine and imprisonment, or to pay a forfeiture in addition to  
20 imprisonment, the court may, pursuant to NRS 176.064, *or section 5 of this act*,  
21 order that the person be confined in the state prison, the city or county jail or a  
22 detention facility, whichever is designated in the person's sentence of  
23 imprisonment, for an additional period of 1 day for each \$75 of the amount until the  
24 administrative assessment and the fine or forfeiture are satisfied or the maximum  
25 term of imprisonment prescribed by law for the offense committed has elapsed,  
26 whichever is earlier, but the person's eligibility for parole is governed only by the  
27 person's sentence of imprisonment.

28 2. The provisions of this section do not apply to indigent persons.

29 **Sec. 4.** NRS 176.075 is hereby amended to read as follows:

30 176.075 1. Except as otherwise provided in subsection 2, when a person is  
31 sentenced to pay a fine or forfeiture without an accompanying sentence of  
32 imprisonment, the court may, pursuant to NRS 176.064, *or section 5 of this act*,  
33 order that the person be confined in the city or county jail or detention facility for a  
34 period of not more than 1 day for each \$75 of the amount until the administrative  
35 assessment and the fine or forfeiture are satisfied.

36 2. The provisions of this section do not apply to indigent persons.

37 **Sec. 5.** Chapter 62B of NRS is hereby amended by adding thereto a new  
38 section to read as follows:

39 *1. Except as otherwise provided in this subsection, if, pursuant to this title, a*  
40 *child or a parent or guardian of a child is ordered by the juvenile court ~~for or is~~*  
41 *~~otherwise required,~~ to pay a fine, administrative assessment, fee or restitution or*  
42 *to make any other payment and the fine, administrative assessment, fee,*  
43 *restitution or other payment or any part of it remains unpaid after the time*  
44 *established by the juvenile court for its payment, the juvenile court may enter a*  
45 *civil judgment against the child or the parent or guardian of the child for the*  
46 *amount due in favor of the victim, the state or local entity to whom the amount is*  
47 *owed ~~The~~ or both. The juvenile court may not enter a civil judgment against a*  
48 *person who is a child unless the person has attained the age of 18 years ~~if,~~ the*  
49 *person is a child who is determined to be outside the jurisdiction of the juvenile*  
50 *court pursuant to NRS 62B.330 or 62B.335, or the person is a child who is*  
51 *certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.*

52 *2. Notwithstanding the termination of the jurisdiction of the juvenile court*  
53 *pursuant to NRS 62B.410 or the ~~completion of a~~ termination of any period of*

1 supervision or probation ~~imposed~~ ordered by the juvenile court, the juvenile  
2 court ~~which entered a civil judgment pursuant to subsection 1~~ retains  
3 jurisdiction over any civil judgment entered pursuant to subsection 1 and retains  
4 jurisdiction over the person against whom a civil judgment is entered pursuant to  
5 subsection 1. The juvenile court may supervise the civil judgment and take any of  
6 the actions authorized by this section, the laws of this State.

7 3. A civil judgment entered pursuant to subsection 1 may be enforced and  
8 renewed in the manner provided by law for the enforcement and renewal of a  
9 judgment for money rendered in a civil action.

10 4. If the juvenile court enters a civil judgment pursuant to subsection 1, the  
11 person or persons against whom the judgment is issued is liable for a collection  
12 fee, to be imposed by the juvenile court at the time ~~it issues~~ the civil judgment is  
13 issued, of:

14 (a) Not more than \$100, if the amount of the judgment is less than \$2,000.

15 (b) Not more than \$500, if the amount of the judgment is \$2,000 or greater,  
16 but is less than \$5,000.

17 (c) Ten percent of the amount of the judgment, if the amount of the  
18 judgment is \$5,000 or greater.

19 5. In addition to attempting to collect the judgment through any other  
20 lawful means, a victim, a representative of the victim or a state or local entity that  
21 is responsible for collecting a civil judgment entered pursuant to subsection 1  
22 may take any or all of the following actions:

23 (a) Report the judgment to reporting agencies that assemble or evaluate  
24 information concerning credit.

25 (b) Request that the juvenile court take appropriate action pursuant to  
26 subsection 6.

27 (c) Contract with a collection agency licensed pursuant to NRS 649.075 to  
28 collect the judgment and the collection fee. The collection agency must be paid as  
29 compensation for its services an amount not greater than the amount of the  
30 collection fee imposed pursuant to subsection 4, in accordance with the  
31 provisions of the contract.

32 6. ~~[(A) If the juvenile court which has entered]~~ determines that a child or  
33 the parent or guardian of a child against whom a civil judgment has been entered  
34 pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil  
35 judgment, the juvenile court may, on its own motion or at the request of the  
36 state or local entity that is responsible for collecting the judgment, take any [or  
37 all] of the following actions: [in the following order of priority if practicable:]

38 (a) ~~[(Request that the district attorney undertake collection of the judgment,  
39 ~~including, without limitation, the original amount and the collection fee, by~~  
40 ~~attachment or garnishment of the judgment debtor's property, wages or other~~  
41 ~~money receivable.~~~~

42 ~~—(b)] Order the suspension of the driver's license of a [judgment debtor. If a~~  
43 ~~judgment debtor does not possess a driver's license, the juvenile court may~~  
44 ~~prohibit the judgment debtor from applying for a driver's license for a specified~~  
45 ~~period.] child for a period not to exceed 1 year. If the [judgment debtor] child is~~  
46 ~~already the subject of a court order suspending [or delaying the issuance of] the~~  
47 ~~driver's license of the [judgment debtor] child, the juvenile court may order the~~  
48 ~~additional suspension [or delay, as appropriate,] to apply consecutively with~~  
49 ~~the previous order. At the time the juvenile court issues an order suspending the~~  
50 ~~driver's license of a [judgment debtor] child pursuant to this paragraph, the~~  
51 ~~juvenile court shall require the [judgment debtor] child to surrender to the~~  
52 ~~juvenile court all driver's licenses then held by the [judgment debtor] child.~~  
53 The juvenile court shall, within 5 days after issuing the order, forward to the



1 Department of Motor Vehicles the licenses, together with a copy of the order. ~~At~~  
2 ~~the time the juvenile court issues an order pursuant to this paragraph delaying~~  
3 ~~the ability of a judgment debtor to apply for a driver's license, the juvenile court~~  
4 ~~shall, within 5 days after issuing the order, forward to the Department of Motor~~  
5 ~~Vehicles a copy of the order.~~ The Department of Motor Vehicles shall report a  
6 suspension pursuant to this paragraph to an insurance company or its agent  
7 inquiring about the ~~judgment debtor's~~ driving record ~~of a child, but such a~~  
8 suspension must not be considered for the purpose of rating or underwriting.

9 (b) If a child does not possess a driver's license, the juvenile court may  
10 prohibit the child from applying for a driver's license for a period not to exceed 1  
11 year. If the child is already the subject of a court order delaying the issuance of a  
12 license to drive, the juvenile court may order any additional delay in the ability of  
13 the child to apply for a driver's license to apply consecutively with the previous  
14 order. At the time the juvenile court issues an order pursuant to this paragraph  
15 delaying the ability of a child to apply for a driver's license, the juvenile court  
16 shall, within 5 days after issuing the order, forward to the Department of Motor  
17 Vehicles a copy of the order.

18 (c) If the civil judgment was issued for a delinquent fine or administrative  
19 assessment, order the confinement of the person in the appropriate prison, jail or  
20 detention facility, as provided in NRS 176.065 and 176.075.

21 (d) Enter a finding of contempt against a child or the parent or guardian of a  
22 child and punish the child or the parent or guardian for contempt as provided in  
23 NRS 62E.040. A person who is indigent may not be punished for contempt  
24 pursuant to this subsection.

25 7. Money collected from a collection fee imposed pursuant to subsection 4  
26 must be deposited and used in the manner set forth in subsection 4 of  
27 NRS 176.064.

28 8. ~~Except as otherwise provided in this subsection, if the juvenile court has~~  
29 ~~entered a civil judgment pursuant to subsection 1 and the person against whom~~  
30 ~~the judgment is entered has not satisfied the judgment within the time established~~  
31 ~~by the juvenile court, the person may be punished for contempt as provided in~~  
32 ~~NRS 62E.040. A person who is indigent may not be punished for contempt~~  
33 ~~pursuant to this subsection.~~

34 ~~9.~~ If the juvenile court:

35 (a) Enters a civil judgment pursuant to subsection 1; and

36 (b) ~~Pursuant to this title~~

37 ~~(1.) Transfers [to another court the case under which the judgment was~~  
38 ~~entered.] jurisdiction over the child pursuant to NRS 62B.330 or 62B.335 or~~

39 ~~(2) Certifies] certifies the child [involved in that case] for proper~~  
40 ~~criminal proceedings as an adult.] pursuant to NRS 62B.390.~~

41 the civil judgment must include all unpaid fines, administrative assessments,  
42 fees, restitution or other payments ordered by the juvenile court which are  
43 associated with any other adjudications of delinquency by the juvenile court and  
44 the court to which the case is transferred [may] or certified shall include  
45 satisfaction of [the judgment] any civil judgments against the child by the  
46 juvenile court in any sentence imposed on the child. [whose case was  
47 transferred.]

48 Sec. 5.5. NRS 62B.030 is hereby amended to read as follows:

49 62B.030 1. The juvenile court may order a master of the juvenile court to:

50 (a) Swear witnesses.

51 (b) Take evidence.

52 (c) Make findings of fact and recommendations.



(d) Conduct all proceedings before the master of the juvenile court in the same manner as a district judge conducts proceedings in a district court.

2. Not later than 10 days after the evidence before a master of the juvenile court is closed, the master shall file with the juvenile court:

(a) All papers relating to the case;

(b) Written findings of fact; and

(c) Written recommendations.

3. A master of the juvenile court shall provide to the parent or guardian of the child, the attorney for the child, the district attorney, and any other person concerned, written notice of:

(a) The master's findings of fact;

(b) The master's recommendations;

(c) The right to object to the master's recommendations; and

(d) The right to request a hearing de novo before the juvenile court as provided in subsection ~~4~~ 5.

4. After reviewing the recommendations of a master of the juvenile court and any objection to the master's recommendations, the judge of the juvenile court shall ~~sign a written order to:~~

(a) Approve the master's recommendations, in whole or in part, and order the recommended disposition; or

(b) Reject the master's recommendations, in whole or in part, and order such relief as may be appropriate. ~~Direct a~~

~~(c) Direct a~~

5. An order issued pursuant to subsection 4 must provide notice that:

(a) The approval or rejection of the master's recommendations will not become effective until the judge of the juvenile court signs a written order approving or rejecting the master's recommendations which must not be earlier than 6 days after the master provides notice of the master's recommendations pursuant to subsection 3; and

(b) A hearing de novo before the juvenile court may be ordered, and the master's recommendations will not be binding, if, not later than 5 days after the master provides notice of the master's recommendations, a person who is entitled to such notice files with the juvenile court a request for a hearing de novo before the juvenile court.

~~5~~ 6. A recommendation of a master of the juvenile court is not effective until expressly approved by the juvenile court as evidenced by the signature of a judge of the juvenile court.

**Sec. 6.** NRS 62C.210 is hereby amended to read as follows:

62C.210 1. An agreement for informal supervision may require the child to:

(a) Perform community service, ~~or~~ provide restitution to any victim of the acts for which the child was referred to the probation officer ~~or~~ or make a monetary contribution to a restitution contribution fund established pursuant to section 9 of this act;

(b) Participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(1) Is 14 years of age or older;

(2) Has never been found to be within the purview of this title for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the probation officer determines that the child would benefit from the program;

(3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work; ~~or~~

(c) Complete a program of cognitive training and human development pursuant to NRS 62E.220 if:

(1) The child has never been found to be within the purview of this title; and

(2) The unlawful act for which the child is found to be within the purview of this title did not involve the use or threatened use of force or violence against a victim; or

(d) Engage in any combination of the activities set forth in this subsection.

2. If the agreement for informal supervision requires the child to participate in a program of restitution through work or complete a program of cognitive training and human development, the agreement may also require any or all of the following, in the following order of priority if practicable:

(a) The child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to:

(1) A reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program or performs work; and

(2) In the case of a program of restitution through work, for industrial insurance, unless the industrial insurance is provided by the employer for which the child performs the work; or

(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program.

**Sec. 7.** NRS 62D.030 is hereby amended to read as follows:

62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.

2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188.

3. Except as otherwise provided in this section, the juvenile court shall appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.

4. A child may waive the right to be represented by an attorney if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or

(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.

5. Except as otherwise provided in *subsection 6 and* NRS 424.085, if the juvenile court appoints an attorney to represent a child and:

(a) The parent or guardian of the child is not indigent, the parent or guardian shall pay the reasonable fees and expenses of the attorney.

(b) The parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with the ability of the parent or guardian to pay.

6. *For the purposes of paragraph (b) of subsection 5, the juvenile court shall find that the parent or guardian of the child is indigent if:*

*(a) The parent or guardian:*

*(1) Receives public assistance, as that term is defined in NRS 422A.065;*

(2) *Resides in public housing, as that term is defined in NRS 315.021;*  
(3) *Has a household income that is less than 200 percent of the federally designated level signifying poverty;*

(4) *Is incarcerated pursuant to a sentence imposed upon conviction of a crime; or*

(5) *Is housed in a public or private mental health facility; or*

(b) *After considering the particular circumstances of the parent or guardian, including, without limitation, the seriousness of the charges against the child, the monthly expenses of the parent or guardian and the rates for attorneys in the area in which the juvenile court is located, the juvenile court determines that the parent or guardian is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.*

7. Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 8. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. 1. *The juvenile court may establish, with the county treasurer as custodian, a special fund to be known as the restitution contribution fund.*

2. *The juvenile court may apply for and accept grants, gifts, donations, bequests or devises which the director of juvenile services shall deposit with the county treasurer for credit to the fund.*

3. *The fund must be a separate and continuing fund, and no money in the fund reverts to the general fund of the county at any time. The interest earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.*

4. *The juvenile court shall:*

(a) *Expend money from the fund only to provide restitution to a victim of an unlawful act committed by a child; and*

(b) *If the source of the money is a grant, gift, donation, bequest or devise, expend the money, to the extent permitted by law, in accordance with the terms of the grant, gift, donation, bequest or devise.*

5. *The juvenile court must authorize any expenditure from the fund before it is made.*

Sec. 10. 1. *If a juvenile court has established a restitution contribution fund pursuant to section 9 of this act:*

(a) *In exchange for a monetary contribution to the restitution contribution fund, the juvenile court may, in its discretion, waive all or part of*

~~(1) A fine imposed against a child, the parent or guardian of a child, or both;~~

~~(2) Any~~ any ~~community service which the juvenile court has ordered a child, the parent or guardian of a child, or both, to perform.~~ . ~~or~~

~~(3) Both;~~

~~(1) A fine imposed against a child, the parent or guardian of a child, or both; and~~

~~(II) Any community service which the juvenile court has ordered a child, the parent or guardian of a child, or both, to perform.]~~

(b) *The juvenile court shall set forth in a written administrative order:*

(1) *A formula for determining the amount of the contribution to the restitution contribution fund pursuant to this section; and*

(2) *The manner in which the contribution must be made.*

1     ↪ *The juvenile court shall make available for public inspection the written*  
2 *administrative order described in this paragraph.*

3     2. *The provisions of this section do not:*

4       (a) *Create a right on behalf of a child ~~for a parent or guardian of a child~~ to*  
5 *the waiver of all or part of any ~~fine imposed against, or any~~ community service*  
6 *to be performed by ~~the~~ the child ~~for the parent or guardian, or both,~~ in exchange*  
7 *for a monetary contribution to a restitution contribution fund established*  
8 *pursuant to section 9 of this act; or*

9       (b) *Establish a basis for any cause of action against the State of Nevada or*  
10 *its officers or employees for denial of a waiver of all or part of any ~~fine to be~~*  
11 *imposed against, or any* *community service to be performed by ~~the~~ a child ~~for a~~*  
12 *parent or guardian of a child, or both, *in exchange for a monetary contribution*  
13 *to a restitution contribution fund established pursuant to section 9 of this act.**

14     **Sec. 11.** NRS 62E.100 is hereby amended to read as follows:

15     62E.100 Except as otherwise provided in NRS 62E.100 to 62E.300, inclusive:

16       1. The provisions of NRS 62E.100 to 62E.300, inclusive, *and sections 9 and*  
17 *10 of this act* apply to the disposition of a case involving any child who is found to  
18 be within the purview of this title.

19       2. In addition to any other orders or actions authorized or required by the  
20 provisions of this title, if a child is found to be within the purview of this title:

21       (a) The juvenile court may issue any orders or take any actions set forth in  
22 NRS 62E.100 to 62E.300, inclusive, *and sections 9 and 10 of this act* that the  
23 juvenile court deems proper for the disposition of the case; and

24       (b) If required by a specific statute, the juvenile court shall issue the  
25 appropriate orders or take the appropriate actions set forth in the statute.

26     **Sec. 12.** NRS 483.443 is hereby amended to read as follows:

27     483.443 1. The Department shall, upon receiving notification from a district  
28 attorney or other public agency collecting support for children pursuant to NRS  
29 425.510 that a court has determined that a person:

30       (a) Has failed to comply with a subpoena or warrant relating to a proceeding to  
31 establish paternity or to establish or enforce an obligation for the support of a child;  
32 or

33       (b) Is in arrears in the payment for the support of one or more children,

34     ↪ send a written notice to that person that his or her driver's license is subject to  
35 suspension.

36       2. The notice must include:

37       (a) The reason for the suspension of the license;

38       (b) The information set forth in subsections ~~2-~~ 5 and 6; and

39       (c) Any other information the Department deems necessary.

40       3. If a person who receives a notice pursuant to subsection 1 does not, within  
41 30 days after receiving the notice, comply with the subpoena or warrant or satisfy  
42 the arrearage as required in NRS 425.510, the Department shall suspend the license  
43 without providing the person with an opportunity for a hearing.

44       4. The Department shall suspend immediately the license of a defendant if so  
45 ordered pursuant to NRS 176.064 ~~the~~ *or section 5 of this act.*

46       5. The Department shall reinstate the driver's license of a person whose  
47 license was suspended pursuant to this section if it receives:

48       (a) A notice from the district attorney or other public agency pursuant to NRS  
49 425.510 that the person has complied with the subpoena or warrant or has satisfied  
50 the arrearage pursuant to that section or from a district judge that a delinquency for  
51 which the suspension was ordered pursuant to NRS 176.064 *or section 5 of this act*  
52 has been discharged; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

**Sec. 13.** NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 5 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➤ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall

1 reduce by one-half the period during which the person is not eligible for a license,  
2 permit or privilege to drive, but shall restore that reduction in time if notified that  
3 the person was not accepted for or failed to complete the treatment.

4 4. The Department shall revoke the license, permit or privilege to drive of a  
5 person who is required to install a device pursuant to NRS 484C.460 but who  
6 operates a motor vehicle without such a device:

7 (a) For 3 years, if it is his or her first such offense during the period of required  
8 use of the device.

9 (b) For 5 years, if it is his or her second such offense during the period of  
10 required use of the device.

11 5. A driver whose license, permit or privilege is revoked pursuant to  
12 subsection 4 is not eligible for a restricted license during the period set forth in  
13 paragraph (a) or (b) of that subsection, whichever applies.

14 6. In addition to any other requirements set forth by specific statute, if the  
15 Department is notified that a court has ordered the revocation, suspension or delay  
16 in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, *or*  
17 *section 5 of this act*, chapters 484A to 484E, inclusive, of NRS or any other  
18 provision of law, the Department shall take such actions as are necessary to carry  
19 out the court's order.

20 7. As used in this section, "device" has the meaning ascribed to it in  
21 NRS 484C.450.

22 **Sec. 14.** 1. This act becomes effective upon passage and approval.

23 2. Section 12 of this act expires by limitation on the date on which the  
24 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under  
25 which the state has authority to withhold or suspend, or to restrict the use of  
26 professional, occupational and recreational licenses of persons who:

27 (a) Have failed to comply with a subpoena or warrant relating to a proceeding  
28 to determine the paternity of a child or to establish or enforce an obligation for the  
29 support of a child; or

30 (b) Are in arrears in the payment for the support of one or more children,  
31 ➤ are repealed by the Congress of the United States.