

Amendment No. 635

Assembly Amendment to Senate Bill No. 22 First Reprint (BDR 18-213)

Proposed by: Assembly Committee on Government Affairs

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.

MNM/BFG



Date: 5/18/2013

S.B. No. 22—Makes various changes relating to the Office of the Attorney General.
(BDR 18-213)



SENATE BILL NO. 22—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2012

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the Office of the Attorney General. (BDR 18-213)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 the Office of the Attorney General; requiring the Office of the Attorney General to be provided with a copy of certain court rulings and to provide an index of those rulings to the Legislative Counsel biennially; ~~requiring~~ specifying that the Office of the Attorney General ~~and certain other governmental entities to enter into a cooperative agreement with the Office of the State Controller for~~ must assign the collection of certain restitution related to the expenses of extradition ~~to~~ to the State Controller; authorizing the establishment of a program to prevent certain criminal offenders and persons charged with a crime from obtaining or using a United States passport; clarifying the term “state agency” as it relates to agencies required to deposit money in the Fund for Insurance Premiums; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a court, in certain circumstances, to order a person who was extradited to this State to make restitution for the expenses incurred by the Attorney General or any other governmental entity in returning the person to this State. (NRS 179.225) Existing law also requires: (1) the State Controller to act as the collection agent for each state agency; and (2) a state agency to coordinate all its debt collection efforts through the State Controller. (NRS 353C.195) Section 8 of this bill ~~provides~~ specifies that if a court orders a person to make restitution to the Office of the Attorney General and any other governmental entity to which such restitution is owed must enter into a cooperative agreement with the Office of for expenses relating to extradition, the Office of the Attorney General must assign the collection of such restitution to the State Controller under which the Office of the State Controller will act as the collection agent for any such restitution. in accordance with the provisions of existing law.

Existing law requires each state agency to deposit certain amounts of money into the Fund for Insurance Premiums, which is maintained in part for use by the Attorney General. (NRS 331.187) Section 14 of this bill clarifies that a part-time or full-time board, commission or similar body of the State which is created by law is required to make such a deposit.

Section 4 of this bill authorizes the Office of the Extradition Coordinator within the Office of the Attorney General to establish a program that assists prosecuting attorneys and law enforcement officers in this State in coordinating with the United States Department of State to prevent criminal offenders and certain persons charged with a crime from obtaining or using a United States passport. **Section 4** also authorizes the Attorney General to adopt regulations relating to such a program.

Section 5 of this bill provides that if the Nevada Supreme Court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding must provide a copy of the ruling to the Office of the Attorney General. **Sections 6 and 7** of this bill apply this requirement to the prevailing party in a proceeding in which a district court or justice court holds that any such provision is unconstitutional. **Section 2** of this bill requires the Office of the Attorney General to provide to the Legislative Counsel an index of all rulings it receives pursuant to **sections 5-7** on or before September 1 of each even-numbered year.

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

Section 1. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *On or before September 1 of each even-numbered year, the Office of the Attorney General shall provide to the Legislative Counsel an index of all court rulings it has received pursuant to sections 5, 6 and 7 of this act during the immediately preceding 2-year period.*

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. *The Office of the Extradition Coordinator within the Office of the Attorney General may establish a program that assists prosecuting attorneys and law enforcement officers in this State in coordinating with the United States Department of State to prevent criminal offenders or persons charged with a crime who are subject to court-ordered restrictions on international travel from obtaining or using a United States passport.*

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

Sec. 5. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

If the Supreme Court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 6. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

If a district court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 7. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

If a justice court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

1 **Sec. 8.** NRS 179.225 is hereby amended to read as follows:

2 179.225 1. If the punishment of the crime is the confinement of the criminal
3 in prison, the expenses must be paid from money appropriated to the Office of the
4 Attorney General for that purpose, upon approval by the State Board of Examiners.
5 After the appropriation is exhausted, the expenses must be paid from the Reserve
6 for Statutory Contingency Account upon approval by the State Board of Examiners.
7 In all other cases, they must be paid out of the county treasury in the county
8 wherein the crime is alleged to have been committed. The expenses are:

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

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

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

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

20 2. If a person is returned to this State pursuant to this chapter or chapter 178
21 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo
22 contendere to, the criminal charge for which the person was returned or a lesser
23 criminal charge, the court shall conduct an investigation of the financial status of
24 the person to determine the ability to make restitution. In conducting the
25 investigation, the court shall determine if the person is able to pay any existing
26 obligations for:

27 (a) Child support;

28 (b) Restitution to victims of crimes; and

29 (c) Any administrative assessment required to be paid pursuant to NRS
30 62E.270, 176.059, 176.0611, 176.0613 and 176.062.

31 3. If the court determines that the person is financially able to pay the
32 obligations described in subsection 2, it shall, in addition to any other sentence it
33 may impose, order the person to make restitution for the expenses incurred by the
34 Office of the Attorney General or other governmental entity in returning the person to
35 this State. The court shall not order the person to make restitution if payment of
36 restitution will prevent the person from paying any existing obligations described in
37 subsection 2. Any amount of restitution remaining unpaid constitutes a civil
38 liability arising upon the date of the completion of the sentence.

39 4. ~~¶The~~ If the court orders a person to make restitution for the expenses
40 incurred by the Office of the Attorney General and any other governmental
41 entity to which restitution is ordered to be made, in returning the person to this
42 State pursuant to this section, the Office of the Attorney General shall enter into
43 a cooperative agreement with the Office of the State Controller to assign the collection of such
44 restitution to the State Controller pursuant to NRS 353.650 for the collection of
45 any restitution which a court orders a person to make pursuant to this section.} in
46 accordance with the provisions of NRS 353C.195.

47 5. The Attorney General may adopt regulations to carry out the provisions of
48 this section.

1 **Sec. 9.** (Deleted by amendment.)

2 **Sec. 10.** (Deleted by amendment.)

3 **Sec. 11.** (Deleted by amendment.)

4 **Sec. 12.** (Deleted by amendment.)

5 **Sec. 13.** (Deleted by amendment.)

6 **Sec. 14.** NRS 331.187 is hereby amended to read as follows:

7 331.187 1. There is created in the State Treasury the Fund for Insurance
8 Premiums as an internal service fund to be maintained for use by the Risk
9 Management Division of the Department of Administration and the Attorney
10 General.

11 2. Each state agency shall deposit in the Fund:

12 (a) An amount equal to its insurance premium and other charges for potential
13 liability, self-insured claims, other than self-insured tort claims, and administrative
14 expenses, as determined by the Risk Management Division; and

15 (b) An amount for self-insured tort claims and expenses related to those claims,
16 as determined by the Attorney General.

17 3. Each county shall deposit in the Fund an assessment for the employees of
18 the district court of that county, excluding district judges, unless the county enters
19 into a written agreement with the Attorney General to:

20 (a) Hold the State of Nevada harmless and assume liability and costs of
21 defense for the employees of the district court;

22 (b) Reimburse the State of Nevada for any liability and costs of defense that
23 the State of Nevada incurs for the employees of the district court; or

24 (c) Include the employees of the district court under the county's own
25 insurance or other coverage.

26 4. Expenditures from the Fund must be made by the Risk Management
27 Division or the Attorney General to an insurer for premiums of state agencies as
28 they become due or for deductibles, self-insured property and tort claims or claims
29 pursuant to NRS 41.0349. If the money in the Fund is insufficient to pay a tort
30 claim, it must be paid from the Reserve for Statutory Contingency Account.

31 5. As used in this section ~~+, "assessment"~~:

32 (a) **"Assessment"** means an amount determined by the Risk Management
33 Division and the Attorney General to be equal to the share of a county for:

34 ~~+(a)~~ (1) Applicable insurance premiums;

35 ~~+(b)~~ (2) Other charges for potential liability and tort claims; and

36 ~~+(c)~~ (3) Expenses related to tort claims.

37 (b) **"State agency"** includes, without limitation, a part-time or full-time
38 board, commission or similar body of the State which is created by law.