

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 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 the collection of certain restitution related to the expenses of extradition; 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:

1 Existing law requires a court, in certain circumstances, to order a person who
2 was extradited to this State to make restitution for the expenses incurred by the
3 Attorney General or any other governmental entity in returning the person to this
4 State. (NRS 179.225) **Section 8** of this bill provides that the Office of the Attorney
5 General and any other governmental entity to which such restitution is owed must
6 enter into a cooperative agreement with the Office of the State Controller under
7 which the Office of the State Controller will act as the collection agent for any such
8 restitution.



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



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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.

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

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

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

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

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State, and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the



1 investigation, the court shall determine if the person is able to pay
2 any existing obligations for:

- 3 (a) Child support;
4 (b) Restitution to victims of crimes; and
5 (c) Any administrative assessment required to be paid pursuant
6 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062.

7 3. If the court determines that the person is financially able to
8 pay the obligations described in subsection 2, it shall, in addition to
9 any other sentence it may impose, order the person to make
10 restitution for the expenses incurred by the Attorney General or
11 other governmental entity in returning the person to this State. The
12 court shall not order the person to make restitution if payment of
13 restitution will prevent the person from paying any existing
14 obligations described in subsection 2. Any amount of restitution
15 remaining unpaid constitutes a civil liability arising upon the date of
16 the completion of the sentence.

17 4. *The Office of the Attorney General and any other*
18 *governmental entity to which restitution is ordered to be made*
19 *pursuant to this section shall enter into a cooperative agreement*
20 *with the Office of the State Controller pursuant to NRS 353.650*
21 *for the collection of any restitution which a court orders a person*
22 *to make pursuant to this section.*

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

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

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

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

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

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

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

31 331.187 1. There is created in the State Treasury the Fund for
32 Insurance Premiums as an internal service fund to be maintained for
33 use by the Risk Management Division of the Department of
34 Administration and the Attorney General.

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

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

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

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



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

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

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

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

5. As used in this section ~~the "assessment"~~ :

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

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

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

and

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

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

