

ASSEMBLY BILL NO. 46—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the enforcement of certain civil judgments entered by a juvenile court for unpaid fines, administrative assessments, fees or restitution. (BDR 5-489)

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 juvenile justice; revising provisions relating to the enforcement of certain civil judgments entered by a juvenile court for unpaid fines, administrative assessments, fees or restitution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a juvenile court that orders a child or a parent or
2 guardian of a child to pay a fine, administrative assessment, fee or restitution or to
3 make any other payment to enter a civil judgment for the amount due if the
4 administrative assessment, fee, restitution or other payment or any part of it
5 remains unpaid after the time established by the juvenile court for its payment.
6 Such a judgment may be entered against: (1) the child, if the child meets certain
7 requirements; or (2) the parent or guardian of the child. If the juvenile court enters
8 such a civil judgment and the child or the parent or guardian of the child is
9 convicted of a crime before he or she satisfies the civil judgment, the court
10 sentencing the child or the parent or guardian of the child for that crime is required
11 by existing law to include in the sentence the civil judgment or portion thereof that
12 remains unpaid. (NRS 62B.420) This bill removes that requirement.



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

Section 1. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

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

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

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

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

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

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state



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1 or local entity that is responsible for collecting a civil judgment
2 entered pursuant to subsection 1 may take any or all of the following
3 actions:

4 (a) Except as otherwise provided in this paragraph, report the
5 judgment to reporting agencies that assemble or evaluate
6 information concerning credit. If the judgment was entered against a
7 person who was less than 21 years of age at the time the judgment
8 was entered, the judgment cannot be reported pursuant to this
9 paragraph until the person reaches 21 years of age.

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

12 (c) Contract with a collection agency licensed pursuant to NRS
13 649.075 to collect the judgment and the collection fee. The
14 collection agency must be paid as compensation for its services an
15 amount not greater than the amount of the collection fee imposed
16 pursuant to subsection 4, in accordance with the provisions of the
17 contract.

18 6. If the juvenile court determines that a child or the parent or
19 guardian of a child against whom a civil judgment has been entered
20 pursuant to subsection 1 has failed to make reasonable efforts to
21 satisfy the civil judgment, the juvenile court may take any of the
22 following actions:

23 (a) Order the suspension of the driver's license of a child for a
24 period not to exceed 1 year. If the child is already the subject of a
25 court order suspending the driver's license of the child, the juvenile
26 court may order the additional suspension to apply consecutively
27 with the previous order. At the time the juvenile court issues an
28 order suspending the driver's license of a child pursuant to this
29 paragraph, the juvenile court shall require the child to surrender to
30 the juvenile court all driver's licenses then held by the child. The
31 juvenile court shall, within 5 days after issuing the order, forward to
32 the Department of Motor Vehicles the licenses, together with a copy
33 of the order. The Department of Motor Vehicles shall report a
34 suspension pursuant to this paragraph to an insurance company or
35 its agent inquiring about the driving record of a child, but such a
36 suspension must not be considered for the purpose of rating or
37 underwriting.

38 (b) If a child does not possess a driver's license, prohibit the
39 child from applying for a driver's license for a period not to exceed
40 1 year. If the child is already the subject of a court order delaying
41 the issuance of a license to drive, the juvenile court may order any
42 additional delay in the ability of the child to apply for a driver's
43 license to apply consecutively with the previous order. At the time
44 the juvenile court issues an order pursuant to this paragraph
45 delaying the ability of a child to apply for a driver's license, the



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1 juvenile court shall, within 5 days after issuing the order, forward to
2 the Department of Motor Vehicles a copy of the order.

3 (c) If the civil judgment was issued for a delinquent fine or
4 administrative assessment, order the confinement of the person in
5 the appropriate prison, jail or detention facility, as provided in NRS
6 176.065 and 176.075.

7 (d) Enter a finding of contempt against a child or the parent or
8 guardian of a child and punish the child or the parent or guardian for
9 contempt in the manner provided in NRS 62E.040. A person who is
10 indigent may not be punished for contempt pursuant to this
11 subsection.

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

15 ~~{8. If the juvenile court enters a civil judgment pursuant to~~
16 ~~subsection 1 and the person against whom the judgment is entered is~~
17 ~~convicted of a crime before he or she satisfies the civil judgment,~~
18 ~~the court sentencing the person for that crime shall include in the~~
19 ~~sentence the civil judgment or such portion of the civil judgment~~
20 ~~that remains unpaid.}~~

21 **Sec. 2.** This act becomes effective upon passage and approval.

