

Amendment No. 37

Assembly Amendment to Assembly Bill No. 46	(BDR 5-489)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MNM/BAW



Date: 3/27/2015

A.B. No. 46—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)



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:

Existing law authorizes a juvenile court that orders a child or a parent or guardian of a child to pay a fine, administrative assessment, fee or restitution or to make any other payment to enter a civil judgment for the amount due if the 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. Such a judgment may be entered against: (1) the child, if the child meets certain requirements; or (2) the parent or guardian of the child. If the juvenile court enters such a civil judgment and the child or the parent or guardian of the child is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the child or the parent or guardian of the child for that crime is required by existing law to include in the sentence the civil judgment or portion thereof that 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

1 local entity to whom the amount is owed or both. The juvenile court may not enter
2 a civil judgment against a person who is a child unless the person has attained the
3 age of 18 years, the person is a child who is determined to be outside the
4 jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the
5 person is a child who is certified for proper criminal proceedings as an adult
6 pursuant to NRS 62B.390.

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

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

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

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

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

23 (c) Ten percent of the amount of the judgment, if the amount of the judgment is
24 \$5,000 or greater.

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

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

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

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

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

45 (a) Order the suspension of the driver's license of a child for a period not to
46 exceed 1 year. If the child is already the subject of a court order suspending the
47 driver's license of the child, the juvenile court may order the additional suspension
48 to apply consecutively with the previous order. At the time the juvenile court issues
49 an order suspending the driver's license of a child pursuant to this paragraph, the
50 juvenile court shall require the child to surrender to the juvenile court all driver's
51 licenses then held by the child. The juvenile court shall, within 5 days after issuing
52 the order, forward to the Department of Motor Vehicles the licenses, together with
53 a copy of the order. The Department of Motor Vehicles shall report a suspension

1 pursuant to this paragraph to an insurance company or its agent inquiring about the
2 driving record of a child, but such a suspension must not be considered for the
3 purpose of rating or underwriting.

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

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

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

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

21 ~~{8.— If the juvenile court enters a civil judgment pursuant to subsection 1 and~~
22 ~~the person against whom the judgment is entered is convicted of a crime before he~~
23 ~~or she satisfies the civil judgment, the court sentencing the person for that crime~~
24 ~~shall include in the sentence the civil judgment or such portion of the civil~~
25 ~~judgment that remains unpaid.}~~

26 **Sec. 2.** This act becomes effective ~~{on July 1, 2015,}~~ **upon passage and**
27 **approval.**