

Amendment No. 772

Senate Amendment to Assembly Bill No. 434 First Reprint	(BDR 14-428)
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) 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.



ASSEMBLY BILL NO. 434—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO STUDY THE
ADVISABILITY AND FEASIBILITY OF TREATING
CERTAIN TRAFFIC AND RELATED
VIOLATIONS AS CIVIL INFRACTIONS)

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to offenses. (BDR 14-428)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 offenses; ~~removing the time limitation on the imposition of certain administrative assessments for the provision of court facilities;~~ revising provisions relating to imprisonment or community service ordered for a convicted person; establishing various provisions relating to the commission of certain traffic offenses; revising provisions relating to the payment of administrative assessments, fines and court fees and the collection of delinquent assessments, fines and fees; requiring any fine paid or forfeiture of bail by a person who commits certain offenses to be credited to the State Permanent School Fund; revising provisions relating to speeding violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[— Existing law provides that a county or city may authorize, by ordinance, the justices or judges of the justice or municipal courts within its jurisdiction to impose for a period of not longer than 50 years an administrative assessment for the provision of court facilities. (NRS 176.0611) Section 1 of this bill removes the 50-year limitation on the imposition of such an administrative assessment.]~~

Existing law authorizes a court to impose a collection fee against a defendant for any delinquent fine, administrative assessment, fee or restitution. Existing law authorizes a state or local entity that is responsible for collecting such a delinquent fine, administrative assessment, fee or restitution ~~owed by a defendant to contract~~ to take certain actions, including reporting the delinquency to credit reporting agencies and contracting with a licensed collection agency to collect the delinquent amount. Existing law also authorizes the court to take certain actions, including: (1) entering a civil judgment for the amount due in favor of the state or local entity responsible for collecting the delinquent amount; (2) requesting that a prosecuting attorney undertake collection of the delinquency by attachment or garnishment of the property of the defendant, wages or other money receivable; (3) ordering the suspension of the driver's license of the defendant or

prohibiting the defendant from applying for a driver's license for a specified period; and (4) for a delinquent fine or administrative assessment, ordering the confinement of the person in the appropriate prison, jail or detention facility. (NRS 176.064)

Section 1.3 of this bill revises provisions relating to the procedure for collecting such delinquent fines, administrative assessments, fees or restitution. Section 1.3 removes the ability of a state or local entity responsible for collecting a delinquent amount to report the delinquency to credit reporting agencies and provides that such a state or local entity may ~~take such action~~ contract with a licensed collection agency to collect the delinquent amount if the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed. Section 1.3 also removes the ability of the court to request that a prosecuting attorney undertake collection of the delinquency. Section 1.3 additionally specifies that a court may only order the suspension of the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period if the court determines that the defendant: (1) has the ability to pay the amount due and is willfully avoiding payment; or (2) was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. Section 1.3 thereby authorizes a state or local entity responsible for collecting a delinquent amount to: (1) request that the court enter a civil judgment for the amount due in favor of the state or local entity, suspend the driver's license of the defendant or prohibit the defendant from applying for a driver's license in such specified circumstances and, for a delinquent fine or administrative assessment, if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility; and (2) contract with a licensed collection agency to collect the delinquent amount and the collection fee.

Existing law provides that if a person other than an indigent person is delinquent in the payment of an administrative assessment, fine or forfeiture, the court may order the person to be imprisoned for a period of 1 day for each \$75 of the amount owed. (NRS 176.065, 176.075) Sections 1.7 and 2 of this bill increase the amount of credit received for each day of imprisonment to \$150 and establish the circumstances in which a person is considered to be indigent. ~~Section~~ Sections 1.7 and 2 also ~~authorizes~~ authorize the imprisonment of an indigent person if he or she was provided with the opportunity to perform community service to satisfy the entire amount owed and failed to perform such community service.

Existing law authorizes a court to order a convicted person to perform supervised community service in certain circumstances. (NRS 176.087) Section 3 of this bill provides that for each hour of community service performed by a person, the court is required to provide a credit of \$10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, toward the payment of any fine that was imposed against the person for the commission of the offense for which community service was ordered.

Section 5.1 of this bill establishes the intent of the Legislature to provide that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a traffic violation should generally be disfavored unless failing to incarcerate such a person would substantially jeopardize public safety.

Section 5.3 of this bill establishes a presumption that a person arrested for the commission of certain traffic violations should be released on his or her own recognizance. ~~H.~~ but also establishes the circumstances in which such a presumption does not apply.

Section 5.5 of this bill provides that certain convictions for a traffic violation are not criminal convictions for the purpose of applying for employment, a professional license or any educational opportunities.

Section 5.7 of this bill requires that a grace period of not less than 30 calendar days must be provided in certain circumstances to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed for certain traffic violations before a warrant can be issued for such a failure to appear or failure to pay. Section 5.8 of this bill prohibits a warrant from being issued for such a failure to pay unless the person has been provided with the opportunity to perform community service to satisfy the entire amount owed and has failed to perform such community service.

Sections 1.3 and 5.9 of this bill require collection fees imposed for certain delinquent amounts owed by a defendant and certain fees assessed by a court to be assessed on a per case basis and not on a per charge basis.

Section 6 of this bill provides that if a court imposes upon a person an administrative assessment, ~~fine or~~ court fee or fine for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, and the court allows any such administrative assessment, ~~fine or~~ court fee or fine to be paid in installments, the payments must be applied first to the unpaid balance of an administrative assessment, then to the unpaid balance of a ~~fine~~ court fee and finally to the unpaid balance of a ~~court fee~~ fine. Section 7 of this bill provides that if a traffic citation issued to a person contains more than one offense charged, or if a person has been issued more than one traffic citation that is outstanding, any payment made by the person must be applied to one offense or one citation, as applicable, in chronological order beginning with the citation that was issued first and in accordance with section 6, until all administrative assessments, ~~finest and~~ court fees and fines due for the offense or citation are paid in full. Section 7 also generally provides that payments must be applied first to traffic violations and then to any violations that are not traffic violations. Section 7 further provides that payments must continue to be applied in such a manner until all administrative assessments, ~~finest and~~ court fees and fines due for all offenses charged or all outstanding traffic citations are paid in full.

Section 8 of this bill establishes provisions relating to fees which courts authorize a defendant to pay in lieu of requiring the defendant to complete a course of traffic safety for the purpose of reducing the demerit points accumulated by the defendant and sets forth the purposes for which such money must be used.

Existing law prohibits a local authority from enacting certain ordinances relating to traffic offenses. (NRS 484A.400) Section 9 of this bill provides that if a person commits any offense for which a local authority is prohibited from enacting an ordinance, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.

Existing law prohibits a person from driving or operating a vehicle at a rate of speed that exceeds the posted speed limit or is otherwise improper under the circumstances. (NRS 484B.600) Section 28 of this bill additionally prohibits a person from driving or operating a vehicle at a rate of speed that results in the injury of another person or of any property. Section 28 generally provides that if a person is issued a traffic citation for speeding, the court has the discretion to reduce the violation from a moving traffic violation to a violation that is not a moving traffic violation. Section 28 establishes a presumption in favor of reducing the violation if the person pays the entire amount of the fine and all fees due before the date on which the person is first required to make an appearance relating to the citation, but also provides that such a presumption can be overcome if the person's driving record demonstrates a pattern of moving traffic violations. Section 28 also requires that any fine imposed for speeding, other than speeding that results in the injury of another person or of any property, must not exceed \$20 for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable.

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

Section 1. ~~NRS 176.0611 is hereby amended to read as follows:~~

~~176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose, [for not longer than 50 years,] in addition to the administrative assessments imposed pursuant to NRS 176.059, 176.0612 and 176.0623, an administrative assessment for the provision of court facilities.~~

~~2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any~~

~~municipal ordinance, the justice or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.~~

~~2. The provisions of subsection 2 do not apply to:~~

~~(a) An ordinance regulating metered parking; or~~

~~(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.~~

~~4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.~~

~~5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:~~

~~(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;~~

~~(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;~~

~~(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;~~

~~(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and~~

~~(e) To pay the fine.~~

~~6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:~~

~~(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~(c) Renovate or remodel existing facilities for the municipal courts.~~

~~(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.~~

~~— (c) Acquire advanced technology for use in the additional or renovated facilities.~~

~~— (f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~— Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:~~

~~— (a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~— (b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~— (c) Renovate or remodel existing facilities for the justice courts.~~

~~— (d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.~~

~~— (e) Acquire advanced technology for use in the additional or renovated facilities.~~

~~— (f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~— Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for those purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.] **(Deleted by amendment.)**~~

Sec. 1.3. 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 collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:

~~(a) [Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.]~~

~~(b) [Request that the court take appropriate action pursuant to subsection 3.]~~

~~(c) [Contract]~~

(b) If the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

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

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph 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. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

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

(c) [Order] If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension

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

~~[(d)]~~ (c) For a delinquent fine or administrative assessment, if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the ~~[person]~~ defendant in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

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

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

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

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

5. Any collection fee imposed pursuant to subsection 1 must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment. As used in this subsection, "case" means a single complaint, citation, information or indictment naming a single defendant that is based on the same act or transaction or based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

Sec. 1.7. NRS 176.065 is hereby amended to read as follows:

176.065 1. Except as otherwise provided in subsection 2, when a person is sentenced to both fine and imprisonment, or to pay a forfeiture in addition to imprisonment, the court may, pursuant to NRS 62B.420 or 176.064, order that the person be confined in the state prison, the city or county jail or a detention facility, whichever is designated in the person's sentence of imprisonment, for an additional period of 1 day for each ~~[\$75]~~ **\$150** of the amount until the administrative assessment and the fine or forfeiture are satisfied or the maximum term of

1 imprisonment prescribed by law for the offense committed has elapsed, whichever
2 is earlier, but the person's eligibility for parole is governed only by the person's
3 sentence of imprisonment.

4 2. The provisions of this section do not apply to indigent persons ~~if~~ *unless an*
5 *indigent person has been provided with the opportunity to perform community*
6 *service to satisfy the entire amount owed and has failed to perform such*
7 *community service. For the purposes of this subsection, a person is indigent if the*
8 *person:*

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

10 (b) *Resides in public housing, as that term is defined in NRS 315.021; or*

11 (c) *Has a household income that is less than 200 percent of the federally*
12 *designated level signifying poverty.*

13 **Sec. 2.** NRS 176.075 is hereby amended to read as follows:

14 176.075 1. Except as otherwise provided in subsection 2, when a person is
15 sentenced to pay a fine or forfeiture without an accompanying sentence of
16 imprisonment, the court may, pursuant to NRS 62B.420 or 176.064, order that the
17 person be confined in the city or county jail or detention facility for a period of not
18 more than 1 day for each ~~[\$75]~~ *\$150* of the amount until the administrative
19 assessment and the fine or forfeiture are satisfied.

20 2. The provisions of this section do not apply to indigent persons ~~if~~ *unless an*
21 *indigent person has been provided with the opportunity to perform community*
22 *service to satisfy the entire amount owed and has failed to perform such*
23 *community service. For the purposes of this subsection, a person is indigent if the*
24 *person:*

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

26 (b) *Resides in public housing, as that term is defined in NRS 315.021; or*

27 (c) *Has a household income that is less than 200 percent of the federally*
28 *designated level signifying poverty.* ~~if or~~

29 ~~*(d) Is housed in a public or private mental health facility.*~~

30 **Sec. 3.** NRS 176.087 is hereby amended to read as follows:

31 176.087 1. Except where the imposition of a specific criminal penalty is
32 mandatory, a court may order a convicted person to perform supervised community
33 service:

34 (a) In lieu of all or a part of any fine or imprisonment that may be imposed for
35 the commission of a misdemeanor; or

36 (b) As a condition of probation granted for another offense.

37 2. The community service must be performed for and under the supervising
38 authority of a county, city, town or other political subdivision or agency of the State
39 of Nevada or a charitable organization that renders service to the community or its
40 residents.

41 3. The court may require the convicted person to deposit with the court a
42 reasonable sum of money to pay for the cost of policies of insurance against
43 liability for personal injury and damage to property or for industrial insurance, or
44 both, during those periods in which the person performs the community service,
45 unless, in the case of industrial insurance, it is provided by the authority for which
46 the person performs the community service.

47 4. The following conditions apply to any such community service imposed by
48 the court:

49 (a) The court must fix the period of community service that is imposed as
50 punishment or a condition of probation and distribute the period over weekends or
51 over other appropriate times that will allow the convicted person to continue
52 employment and to care for the person's family. The period of community service
53 fixed by the court must not exceed, for a:

- (1) Misdemeanor, 200 hours;
- (2) Gross misdemeanor, 600 hours; or
- (3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

5. For each hour of community service that is performed by a person pursuant to this section, the court must provide a credit of \$10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, toward the payment of any fine that was imposed against the person for the commission of the offense for which the person was ordered to perform community service.

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 5.1 to 9, inclusive, of this act.

Sec. 5.1. The Legislature hereby finds and declares that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a minor traffic violation should generally be disfavored unless a court determines that failing to incarcerate such a person would substantially jeopardize public safety.

Sec. 5.3. 1. Except as otherwise provided in subsection 2, after a person is arrested for the commission of a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS, there is a presumption that the person should be released on his or her own recognizance.

2. The presumption established in subsection 1 does not apply if ~~the~~ :

~~(a)~~ A person is arrested for:

~~(1)~~ Reckless driving in violation of NRS 484B.653;

~~(2)~~ Vehicular manslaughter in violation of NRS 484B.657; or

~~(3)~~ Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable ~~the~~ ; or

~~(b)~~ The court determines that a person is willfully refusing to satisfy any obligations imposed by the court, including, without limitation, willfully refusing to pay any amount owed or willfully refusing to perform community service.

Sec. 5.5. 1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 2, any conviction for a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS is not a criminal conviction for the purpose of applying for employment, a professional license or any educational opportunity.

2. The provisions of subsection 1 do not apply if a person is convicted of:

(a) Reckless driving in violation of NRS 484B.653;

(b) Vehicular manslaughter in violation of NRS 484B.657; or

(c) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 5.7. 1. Except as otherwise provided in subsection 2, and subject to the limitation imposed by section 5.8 of this act, a grace period of not less than 30 calendar days must be provided to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A to 484E, inclusive, of NRS before a warrant can be issued for such a failure to appear or failure to pay.

2. The provisions of subsection 1 do not apply if:

(a) The court determines that providing such a grace period would substantially jeopardize public safety; ~~for~~

(b) The person was issued a traffic citation for:

(1) Reckless driving in violation of NRS 484B.653;

(2) Vehicular manslaughter in violation of NRS 484B.657; or

(3) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable ~~for~~; or

(c) During the immediately preceding 30 calendar days, the person was released from custody and given a date to return to court but failed to appear in court.

Sec. 5.8. If a person has failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, a warrant must not be issued unless the person has been provided with the opportunity to perform community service to satisfy the entire amount due and has failed to perform such community service.

Sec. 5.9. 1. Any fee assessed by a court pursuant to chapters 484A to 484E, inclusive, of NRS that is not expressly authorized by statute or is not solely for the purpose of recovering any costs incurred relating to the participation of a person in a specialty court program must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment.

2. As used in this section ~~for~~ “specialty”:

(a) “Case” means a single complaint, citation, information or indictment naming a single defendant that is based on the same act or transaction or based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

(b) “Specialty court program” means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs ~~for~~ or are homeless. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 6. In accordance with section 7 of this act and any provision of law that further specifies the order in which more than one administrative assessment, ~~(fine or)~~ court fee or fine that is imposed upon a person must be paid, including, without limitation, NRS 176.0611 and 176.0613, if a court imposes upon a person an administrative assessment, ~~(fine or)~~ court fee or fine for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, and the court permits any such administrative assessment, ~~(fine or)~~ court fee or fine to be paid in installments, the payments must be applied in the following order:

1 1. To pay the unpaid balance of an administrative assessment;

2 2. To pay the unpaid balance of a ~~fine~~ court fee; and

3 3. To pay the unpaid balance of a ~~court fee~~ fine.

4 Sec. 7. 1. If a traffic citation that is issued to a person contains more than
5 one offense charged, or if a person has been issued more than one traffic citation
6 that is outstanding, any payment made by the person must be applied, in
7 accordance with the provisions of subsection 3 and section 6 of this act, to one
8 offense or one citation, as applicable, in chronological order beginning with the
9 citation that was issued first until all administrative assessments, ~~fin~~es and
10 court fees and fines due for that offense or citation are paid in full.

11 2. Once all administrative assessments, ~~fin~~es and court fees and fines due
12 for an offense or citation are paid in full, any remaining portion of a payment
13 made by a person must be applied to the next offense or citation, as applicable,
14 until all administrative assessments, ~~fin~~es and court fees and fines due for that
15 offense or citation are paid in full.

16 3. Except as otherwise provided in this subsection, in addition to the
17 manner in which payments must be applied pursuant to subsections 1 and 2,
18 payments must be applied first to traffic violations and then to any violations that
19 are not traffic violations. If the application of any payment pursuant to this
20 subsection would conflict with the provisions of subsections 1 and 2, the
21 requirement set forth in this subsection does not apply.

22 4. Payments made by a person must continue to be applied in the manner
23 set forth in this section until all administrative assessments, ~~fin~~es and court fees
24 and fines due for all offenses charged or all outstanding traffic citations are paid
25 in full.

26 Sec. 8. 1. Except as otherwise provided in this section, if a court
27 authorizes a defendant who pleads guilty, guilty but mentally ill or nolo
28 contendere to, or who is found guilty or guilty but mentally ill of, a violation of
29 chapters 484A to 484E, inclusive, of NRS to pay a fee for the purpose of reducing
30 demerit points, in lieu of requiring the defendant to complete a course of traffic
31 safety for the purpose of reducing demerit points, the court must include the fee
32 in the sentence, in addition to any other penalty or administrative assessment
33 provided by law, and render a judgment against the defendant for the fee.

34 2. The money collected for the fee imposed pursuant to this section must not
35 be deducted from any fine imposed by the court but must be collected from the
36 defendant in addition to the fine. The money collected for such a fee must be
37 stated separately on the court's docket. If the court cancels a fine because the
38 fine has been determined to be uncollectible, any balance of the fine and the fee
39 remaining unpaid shall be deemed to be uncollectible and the defendant is not
40 required to pay them. If a fine is determined to be uncollectible, the defendant is
41 not entitled to a refund of any amount of the fine or fee that the defendant has
42 paid.

43 3. A court shall, if requested by a defendant, allow a fee imposed pursuant
44 to this section to be paid in installments under terms established by the court.

45 4. The money collected for a fee pursuant to this section in municipal court
46 must be paid by the clerk of the court to the city treasurer on or before the fifth
47 day of each month for the preceding month. On or before the 15th day of that
48 month, the city treasurer shall deposit:

49 (a) Twenty-five percent of the money received for each such fee with the
50 State Controller for credit to a special account in the State General Fund
51 administered by the Office of Court Administrator.

52 (b) Seventy-five percent of the money received for each such fee in a special
53 revenue fund. The city may use the money in the special revenue fund only to:

(1) Fund local specialty court programs; or

(2) Pay for upgrades to court information technology.

5. The money collected for a fee pursuant to this section in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit:

(a) Twenty-five percent of the money received for each such fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

(b) Seventy-five percent of the money received for each such fee in a special revenue fund. The county may use the money in the special revenue fund only to:

(1) Fund local specialty court programs; or

(2) Pay for upgrades to court information technology.

6. Money that is apportioned to a court from specialty courts fees pursuant to this section must be used by the court to:

(a) Pay for any level of treatment, including, without limitation, psychiatric care, required for successful completion and testing of persons who participate in the program; ~~and~~

(b) Pay for the transportation to and from the program of persons who participate in the program; and

(c) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Providing for ~~district attorney~~ prosecutor and public defender representation;

(7) Acquiring or using appropriate technology;

(8) Providing capital for building facilities necessary to house persons who participate in the program;

(9) Providing funding for employment programs for persons who participate in the program; and

(10) Providing funding for statewide public information campaigns necessary to deter driving under the influence of intoxicating liquor or a controlled substance.

7. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created by NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs ~~or~~ or are homeless. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 9. If a person commits any offense for which a local authority is prohibited from enacting an ordinance pursuant to subsection 3 of NRS 484A.400, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 484A.670 is hereby amended to read as follows:

484A.670 1. Regardless of the disposition of the charge for which a traffic citation was originally issued, it is unlawful for a person to:

(a) Violate a written promise to appear in court given to a peace officer upon the issuance of a traffic citation prepared by the peace officer; or

(b) Fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation prepared by a peace officer.

2. Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court or a notice to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.

3. ~~[A]~~ *Except as otherwise provided in section 5.7 of this act, a* warrant may issue upon a violation of a written promise to appear in court or a failure to appear at the time and place set forth in a notice to appear in court.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) *A rate of speed that results in the injury of another person or of any property.*

(e) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. *Except as otherwise provided by law, if a person is issued a traffic citation for a violation of any provision of subsection 1, the court may, in its*

discretion, reduce the violation from a moving traffic violation to a violation that is not a moving traffic violation. There is a presumption in favor of reducing the violation if the person pays the entire amount of the fine and all fees due before the date on which the person is first required to make an appearance relating to the citation, whether by personal appearance or through his or her counsel, but such a presumption may be overcome if the driving record of the person demonstrates a pattern of moving traffic violations.

5. Any fine imposed pursuant to paragraph (a), (b), (c) or (e) of subsection 1 must not exceed \$20 for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable. The provisions of this subsection apply regardless of whether a person pays the entire amount of the fine and all fees due in accordance with subsection 4.

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. The amendatory provisions of:

1. Sections 1.3 to 3, inclusive, of this act apply to any fine, administrative assessment, fee, restitution or forfeiture, as applicable, imposed before, on or after October 1, 2019.

2. Sections 5.1, 5.5, 5.7 and subsection 4 of section 28 of this act apply to offenses committed before, on or after October 1, 2019.

3. Section 5.3 of this act apply to offenses committed on or after October 1, 2019.

4. Section 5.8 of this act apply to offenses committed before October 1, 2019, if a warrant has not been issued on October 1, 2019.

5. Section 5.9 of this act apply to any fee assessed by the court on or after October 1, 2019.

6. Sections 6 and 7 of this act apply to any payments toward the unpaid balance of any administrative assessment, court fee or fine that are made by a person on or after October 1, 2019.

7. Section 8 of this act apply to offenses committed before October 1, 2019, if the person is sentenced on or after October 1, 2019.

8. Section 9 of this act apply to any fine paid or forfeiture of bail on or after October 1, 2019.

9. Subsection 5 of section 28 of this act apply to any fine imposed on or after October 1, 2019.