

SENATE BILL NO. 224—SENATORS CEGAVSKE;
HARDY AND MANENDO

MARCH 7, 2013

JOINT SPONSOR: ASSEMBLYWOMAN DONDERO LOOP

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing driving under the influence. (BDR 43-668)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to driving under the influence; providing for the imposition and collection of a fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence or a lesser included offense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill requires a court to impose a fee of \$500, in addition to any other
2 administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty
3 but mentally ill or nolo contendere to, or is found guilty of, a charge of driving
4 under the influence of intoxicating liquor or a controlled substance that is
5 punishable as a misdemeanor or a lesser included offense. If the fee of \$500 is not
6 within a defendant's present ability to pay, the justice or judge may impose the
7 equivalent community service to be performed. Under this bill, the money collected
8 for this fee is deposited with the State Controller for credit to a special account in
9 the State General Fund administered by the Office of Court Administrator and
10 money apportioned to a court from this fee must be used by the court for certain
11 purposes related to specialty court programs.



* S B 2 2 4 R 1 *

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

1 **Section 1.** Chapter 484C of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, if a defendant*
4 *who is charged with a violation of NRS 484C.110 or 484C.120 that*
5 *is punishable as a misdemeanor pursuant to paragraph (a) or (b)*
6 *of subsection 1 of NRS 484C.400 pleads guilty, guilty but mentally*
7 *ill or nolo contendere to, or is found guilty or guilty but mentally*
8 *ill of, that charge or a lesser included offense, including, without*
9 *limitation, a traffic violation, arising from the same traffic*
10 *episode, the justice or judge shall include in the sentence, in*
11 *addition to any other penalty or administrative assessment*
12 *provided by law, a fee of \$500 for the provision of specialty court*
13 *programs and render a judgment against the defendant for the fee.*
14 *If a defendant is sentenced to perform community service in lieu*
15 *of a fine, the sentence must include the fee required pursuant to*
16 *this subsection.*

17 2. *If the fee pursuant to subsection 1:*

18 (a) *Is not within the defendant's present ability to pay, the*
19 *justice or judge may include in the sentence, in addition to any*
20 *other penalty or administrative assessment provided by law,*
21 *community service for a reasonable number of hours, the value of*
22 *which would be commensurate with the fee.*

23 (b) *Is not entirely within the defendant's present ability to pay,*
24 *the justice or judge may include in the sentence, in addition to any*
25 *other penalty or administrative assessment provided by law, a*
26 *reduced fee and community service for a reasonable number of*
27 *hours, the value of which would be commensurate with the*
28 *amount of the reduction of the fee.*

29 3. *The money collected for the specialty courts fee must not*
30 *be deducted from any fine imposed by the justice or judge but must*
31 *be collected from the defendant in addition to the fine. The money*
32 *collected for such a fee must be stated separately on the court's*
33 *docket. If the justice or judge cancels a fine because the fine has*
34 *been determined to be uncollectible, any balance of the fine and*
35 *the specialty courts fee remaining unpaid shall be deemed to be*
36 *uncollectible and the defendant is not required to pay them. If a*
37 *fine is determined to be uncollectible, the defendant is not entitled*
38 *to a refund of any amount of the fine or fee that the defendant has*
39 *paid.*

40 4. *A justice or judge shall, if requested by a defendant, allow*
41 *a specialty courts fee to be paid in installments under terms*
42 *established by the justice or judge.*



1 5. *Any payments made by a defendant must be applied in the*
2 *following order:*

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

5 (b) *To pay the unpaid balance of an administrative assessment*
6 *for the provision of court facilities pursuant to NRS 176.0611;*

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

10 (d) *To pay the unpaid balance of the specialty courts fee*
11 *pursuant to this section; and*

12 (e) *To pay the fine.*

13 6. *The money collected for a specialty courts fee pursuant to*
14 *this section in municipal court must be paid by the clerk of the*
15 *court to the city treasurer on or before the fifth day of each month*
16 *for the preceding month. On or before the 15th day of that month,*
17 *the city treasurer shall deposit the money received for each*
18 *specialty courts fee with the State Controller for credit to a special*
19 *account in the State General Fund administered by the Office of*
20 *Court Administrator.*

21 7. *The money collected for a specialty courts fee pursuant to*
22 *this section in justice courts must be paid by the clerk of the court*
23 *to the county treasurer on or before the fifth day of each month*
24 *for the preceding month. On or before the 15th day of that month,*
25 *the county treasurer shall deposit the money received for each*
26 *specialty courts fee with the State Controller for credit to a special*
27 *account in the State General Fund administered by the Office of*
28 *Court Administrator.*

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

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

34 (b) *Improve the operations of the specialty court program by*
35 *any combination of:*

36 (1) *Acquiring necessary capital goods;*

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

39 (3) *Providing training and education to personnel;*

40 (4) *Studying the management and operation of the*
41 *program;*

42 (5) *Conducting audits of the program;*

43 (6) *Providing for district attorney and public defender*
44 *representation;*

45 (7) *Acquiring or using appropriate technology;*



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

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

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

8 9. *As used in this section:*

9 (a) *“Office of Court Administrator” means the Office of Court*
10 *Administrator created pursuant to NRS 1.320; and*

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

17 (c) *“Traffic violation” means conviction of a moving traffic*
18 *violation in any municipal court or justice court in this State.*

19 **Sec. 2.** NRS 176.0611 is hereby amended to read as follows:

20 176.0611 1. A county or a city, upon recommendation of the
21 appropriate court, may, by ordinance, authorize the justices or
22 judges of the justice or municipal courts within its jurisdiction to
23 impose for not longer than 50 years, in addition to the administrative
24 assessments imposed pursuant to NRS 176.059 and 176.0613, an
25 administrative assessment for the provision of court facilities.

26 2. Except as otherwise provided in subsection 3, in any
27 jurisdiction in which an administrative assessment for the provision
28 of court facilities has been authorized, when a defendant pleads
29 guilty or guilty but mentally ill or is found guilty or guilty but
30 mentally ill of a misdemeanor, including the violation of any
31 municipal ordinance, the justice or judge shall include in the
32 sentence the sum of \$10 as an administrative assessment for the
33 provision of court facilities and render a judgment against
34 the defendant for the assessment. If the justice or judge sentences
35 the defendant to perform community service in lieu of a fine, the
36 justice or judge shall include in the sentence the administrative
37 assessment required pursuant to this subsection.

38 3. The provisions of subsection 2 do not apply to:

39 (a) An ordinance regulating metered parking; or

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

42 4. The money collected for an administrative assessment for
43 the provision of court facilities must not be deducted from the fine
44 imposed by the justice or judge but must be taxed against the
45 defendant in addition to the fine. The money collected for such an



1 administrative assessment must be stated separately on the court's
2 docket and must be included in the amount posted for bail. If bail is
3 forfeited, the administrative assessment included in the amount
4 posted for bail pursuant to this subsection must be disbursed in the
5 manner set forth in subsection 6 or 7. If the defendant is found not
6 guilty or the charges are dismissed, the money deposited with the
7 court must be returned to the defendant. If the justice or judge
8 cancels a fine because the fine has been determined to be
9 uncollectible, any balance of the fine and the administrative
10 assessment remaining unpaid shall be deemed to be uncollectible
11 and the defendant is not required to pay it. If a fine is determined to
12 be uncollectible, the defendant is not entitled to a refund of the fine
13 or administrative assessment the defendant has paid and the justice
14 or judge shall not recalculate the administrative assessment.

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

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

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

22 (c) To pay the unpaid balance of an administrative assessment
23 for the provision of specialty court programs pursuant to NRS
24 176.0613; ~~and~~

25 (d) *To pay the unpaid balance of the specialty courts fee*
26 *pursuant to section 1 of this act; and*

27 (e) To pay the fine.

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

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

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

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

41 (d) Acquire furniture, fixtures and equipment necessitated by the
42 construction or acquisition of additional facilities or the renovation
43 of an existing facility for the municipal courts or a regional justice
44 center that includes the municipal courts. This paragraph does not



1 authorize the expenditure of money from the fund for furniture,
2 fixtures or equipment for judicial chambers.

3 (e) Acquire advanced technology for use in the additional or
4 renovated facilities.

5 (f) Pay debt service on any bonds issued pursuant to subsection
6 3 of NRS 350.020 for the acquisition of land or facilities or the
7 construction or renovation of facilities for the municipal courts or a
8 regional justice center that includes the municipal courts.

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

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

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

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

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

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

35 (e) Acquire advanced technology for use in the additional or
36 renovated facilities.

37 (f) Pay debt service on any bonds issued pursuant to subsection
38 3 of NRS 350.020 for the acquisition of land or facilities or the
39 construction or renovation of facilities for the justice courts or a
40 regional justice center that includes the justice courts.

41 ➔ Any money remaining in the special revenue fund after 5 fiscal
42 years must be deposited in the county general fund for the continued
43 maintenance of court facilities if it has not been committed for
44 expenditure pursuant to a plan for the construction or acquisition of
45 court facilities or improvements to court facilities. The county



1 treasurer shall provide, upon request by a justice court, monthly
2 reports of the revenue credited to and expenditures made from the
3 special revenue fund.

4 8. If money collected pursuant to this section is to be used to
5 acquire land on which to construct a regional justice center, to
6 construct a regional justice center or to pay debt service on bonds
7 issued for these purposes, the county and the participating cities
8 shall, by interlocal agreement, determine such issues as the size of
9 the regional justice center, the manner in which the center will be
10 used and the apportionment of fiscal responsibility for the center.

11 **Sec. 3.** NRS 176.0613 is hereby amended to read as follows:

12 176.0613 1. The justices or judges of the justice or municipal
13 courts shall impose, in addition to an administrative assessment
14 imposed pursuant to NRS 176.059 and 176.0611, an administrative
15 assessment for the provision of specialty court programs.

16 2. Except as otherwise provided in subsection 3, when a
17 defendant pleads guilty or guilty but mentally ill or is found guilty
18 or guilty but mentally ill of a misdemeanor, including the violation
19 of any municipal ordinance, the justice or judge shall include in the
20 sentence the sum of \$7 as an administrative assessment for the
21 provision of specialty court programs and render a judgment against
22 the defendant for the assessment. If a defendant is sentenced to
23 perform community service in lieu of a fine, the sentence must
24 include the administrative assessment required pursuant to this
25 subsection.

26 3. The provisions of subsection 2 do not apply to:

27 (a) An ordinance regulating metered parking; or

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

30 4. The money collected for an administrative assessment
31 for the provision of specialty court programs must not be deducted
32 from the fine imposed by the justice or judge but must be taxed
33 against the defendant in addition to the fine. The money collected
34 for such an administrative assessment must be stated separately on
35 the court's docket and must be included in the amount posted for
36 bail. If bail is forfeited, the administrative assessment included in
37 the bail pursuant to this subsection must be disbursed pursuant to
38 subsection 6 or 7. If the defendant is found not guilty or the charges
39 are dismissed, the money deposited with the court must be returned
40 to the defendant. If the justice or judge cancels a fine because the
41 fine has been determined to be uncollectible, any balance of the fine
42 and the administrative assessment remaining unpaid shall be
43 deemed to be uncollectible and the defendant is not required to pay
44 it. If a fine is determined to be uncollectible, the defendant is not
45 entitled to a refund of the fine or administrative assessment the



1 defendant has paid and the justice or judge shall not recalculate the
2 administrative assessment.

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

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

9 (b) To pay the unpaid balance of an administrative assessment
10 for the provision of court facilities pursuant to NRS 176.0611;

11 (c) To pay the unpaid balance of an administrative assessment
12 for the provision of specialty court programs; ~~and~~

13 (d) *To pay the unpaid balance of the specialty courts fee*
14 *pursuant to section 1 of this act; and*

15 (e) To pay the fine.

16 6. The money collected for an administrative assessment for
17 the provision of specialty court programs in municipal court must be
18 paid by the clerk of the court to the city treasurer on or before the
19 fifth day of each month for the preceding month. On or before the
20 15th day of that month, the city treasurer shall deposit the money
21 received for each administrative assessment with the State
22 Controller for credit to a special account in the State General Fund
23 administered by the Office of Court Administrator.

24 7. The money collected for an administrative assessment for
25 the provision of specialty court programs in justice courts must be
26 paid by the clerk of the court to the county treasurer on or before the
27 fifth day of each month for the preceding month. On or before the
28 15th day of that month, the county treasurer shall deposit the money
29 received for each administrative assessment with the State
30 Controller for credit to a special account in the State General Fund
31 administered by the Office of Court Administrator.

32 8. The Office of Court Administrator shall allocate the money
33 credited to the State General Fund pursuant to subsections 6 and 7 to
34 courts to assist with the funding or establishment of specialty court
35 programs.

36 9. Money that is apportioned to a court from administrative
37 assessments for the provision of specialty court programs must be
38 used by the court to:

39 (a) Pay for the treatment and testing of persons who participate
40 in the program; and

41 (b) Improve the operations of the specialty court program by any
42 combination of:

43 (1) Acquiring necessary capital goods;

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



- 1 (3) Providing training and education to personnel;
- 2 (4) Studying the management and operation of the program;
- 3 (5) Conducting audits of the program;
- 4 (6) Supplementing the funds used to pay for judges to
- 5 oversee a specialty court program; or
- 6 (7) Acquiring or using appropriate technology.
- 7 10. As used in this section:
- 8 (a) "Office of Court Administrator" means the Office of Court
- 9 Administrator created pursuant to NRS 1.320; and
- 10 (b) "Specialty court program" means a program established by a
- 11 court to facilitate testing, treatment and oversight of certain persons
- 12 over whom the court has jurisdiction and who the court has
- 13 determined suffer from a mental illness or abuses alcohol or drugs.
- 14 Such a program includes, without limitation, a program established
- 15 pursuant to NRS 176A.250, 176A.280 or 453.580.
- 16 **Sec. 4.** This act becomes effective on July 1, 2013.



