

Criminal Fine Revenue

Legal & Fiscal Division
Legislative Counsel Bureau

State Permanent School Fund

- * Article 11, Section 3 of the Nevada Constitution
 - * Requires certain revenue to be pledged to the State for educational purposes
 - * These revenues are placed in the State Permanent School Fund
 - * Interest only may be apportioned to the counties for educational purposes or appropriated for support of state university
 - * NRS 387.030 – Interest from State Permanent School Fund must be placed in the State DSA

Sources of Revenue

- * Certain public lands and proceeds (Art. 11, section 3)
- * Estates that escheat to the State and proceeds (Art. 11, section 3; chapter 154 of NRS)
- * Property given or bequeathed to the State for educational purposes and proceeds (Art. 11, section 3)
- * Fines collected under penal laws of the State (Art. 11, section 3)
 - * Fine paid in Justice Court paid to the county treasurer on the fifth day of each month (NRS 176.285)
 - * Full amount of fines collected for violation of State criminal law must be paid into State Treasury (NRS 176.265)

State Law vs. Local Ordinance

- * State ex. rel. Rosenstock v. Swift, 11 Nev. 128, 141 (1876)
 - * Case addressed the constitutionality of an act of the Legislature to incorporate Carson City
 - * Taxes, fines, forfeitures or other moneys collected by a city officer under city ordinance to be placed in the city general fund.
 - * Article 11, section 3 “has no application to fines recoverable for violations of city ordinances, but applies solely to fines recoverable under the general laws of the state. There is a broad distinction between the penal laws of the state and penalties prescribed by the ordinances of municipal corporations, and this provision of the constitution manifestly means such fines only as are collected under the penal laws prescribed by the lawmaking power of the state, and cannot, by any legal or constitutional rule of construction, extend to penalties incurred for violation of the ordinances of municipal corporations.”
 - * Only fines collected for violations of laws passed by the Legislature and signed by the Governor are required to be placed in State Permanent School Fund

State Laws

- * Chapter 482 of NRS – Vehicle Registration
- * Chapter 483 of NRS – Driver's Licenses
- * Chapter 484B of NRS – Rules of the Road
- * Chapter 484C of NRS – DUI
- * Chapter 484D – Equipment, Inspections and Size, Weight and Load of Vehicles
- * Chapter 484E – Crashes
- * Chapter 485 – Insurance
- * Pursuant to Art. 11, section 3, a fine for a criminal violation of any of these provisions must be transferred to the State Permanent School Fund

Local Ordinances

- * Counties and cities in Nevada have:
 - * All powers expressly granted to them by state law;
 - * All powers necessarily or fairly implied in or incident to the powers expressly granted to the governing body
 - * All other powers necessary or proper to address matters of local concern for the effective operation of local government, whether or not the powers are expressly granted to the governing body.
 - * Except as prohibited, limited or preempted by State or Federal Constitution, statute or regulation
 - * NRS 244.146 & 268.0035

Local Ordinances

- * State law expressly grants counties and cities express power to enact certain ordinances relating to vehicular traffic
 - * NRS 244.357 – Authorizes boards of county commissioners to regulate all vehicular, pedestrian and other traffic within the unincorporated area of county
 - * NRS 266.277 – Authorizes city council of a city organized under the general incorporation law to regulate all vehicular, pedestrian and other traffic within the city
 - * City charters – For cities organized by special act or city charter, the city charter would govern the authority of regular traffic (i.e., Las Vegas City Charter 2.230; Reno City Charter 2.140; Henderson City Charter 2.210)
 - * NRS 269.185 – Authorizes a town board or board of county commissioners, whichever is the governing body of an unincorporated town, to regulate traffic on the streets of the town
 - * NRS 484A.400 – Authorizes counties, cities and towns to enact traffic regulations which cover same subject matter as state traffic laws and are not in conflict

Local Ordinances

- * The above provisions expressly authorize local regulation but other NRS provisions expressly limit that authority
 - * NRS 244.357 prohibits county regulation of state or federal highways or roads.
 - * NRS 484A.400 prohibits local regulation of:
 - * vehicle registration
 - * licensing of drivers
 - * the duties and obligations of persons involved in traffic crashes (other than the duties to stop, render aid and provide information)
 - * A traffic violation that is a gross misdemeanor or felony
 - * Permits to operate a vehicle on a state highway

Local Ordinances

- * Methods by which local governments have enacted traffic regulation:
 - * Incorporate by reference (i.e., Clark County Ordinance 1.08.010; Las Vegas Municipal code 10.02.010; Reno City Code 1.04.015; Elko County Ordinance 8-1-1)
 - * Enact specific traffic regulations (i.e., Title 14 Clark County Ordinances; Title 11 Las Vegas City Ordinances; Chapter 70 Washoe County Ordinances)

Fines for Local Violations

- * Fines for violations of local ordinances are not required to be distributed to the State Permanent School Fund.
- * County ordinances dictate distribution of fines for violations of county ordinances (i.e., Clark County Code 1.04.010 – County general fund; Washoe County Code 125.060 – County general fund)
- * Cities ordinances dictate distribution of fines for violations of city ordinances
 - * NRS 266.620 for General Law Cities
 - * City Charters for cities created by special act (i.e., Henderson City Charter 3.130; Las Vegas City Charter 3.280; Elko City Ordinance 3.100)
- * Unincorporated Towns
 - * NRS 269.095 – Fines paid to the county treasurer and kept separate as a fund solely for the benefit of the town where collected

Criminal Fines

* QUESTIONS?