

## HENDERSON JUSTICE COURT RESPONSE

State of Nevada Legislative Counsel Bureau

Treating Traffic and Related Violations as Civil Infractions:

1. 1. For each of the last two fiscal years (FY2016 and FY2017), please indicate the total amount of money assessed and collected by your court for traffic fines, including, without limitation, fines relating to violations of laws relating to vehicle registration, driver's licenses and motor vehicle insurance. {Please do not include any administrative assessment fees imposed and collected or bail forfeiture in these numbers}

**FY 2016 – \$68,057.00**

**FY 2017 – \$49,214.00**

- a. Of that total amount, how much was remitted to the State Treasury pursuant to NRS 176.265 requiring all fines imposed and collected for a violation of a penal provision of NRS to be paid into the State Treasury?

**100%**

2. Please identify any fees that your court may charge in relation to a traffic offense, other than AA fees.

- a. What the fee is called:

**Payment Plan Fees,  
Collection Fees,  
Warrant Fees  
Convenience Fees**

- b. The purpose for which the fee is imposed:

- a. **Payment Plan Fees are imposed when defendant placed on payment plan**
- b. **Collection Fees are imposed to recover the cost of collection efforts**
- c. **Warrant Fees are imposed for failure to appear or pay**
- d. **Convenience Fees are imposed for online payments made by debit or credit card to recover the costs imposed by the bank and payment processor**

- c. The amount of the fee:
    - a. **Payment Plan Fees are \$25**
    - b. **Collection Fees are \$100, however NRS 176.064 allows up to 10% of the amount of the delinquency**
    - c. **Warrant Fees are \$178**
    - d. **Convenience Fees are 2.2% of the payment amount**
  - d. The legal authority for imposing the fee:
    - a. **Collection Fees are authorized under NRS 176.064**
    - b. **Warrant Fees are authorized per Blackjack Bonding v. Las Vegas Municipal Court, 116 Nev. 1213 (2000) which established that the Nevada Constitution grants the Courts of the State of Nevada the inherent power to charge and collect reasonable fees related to specific purposes.**
    - c. **Convenience Fees are authorized under NRS 1.113 and NRS 354.770**
  - e. A breakdown of the amount of revenue collected for each type of fee:
    - a. **FY 2016**
      - i. **Payment Plan Fees – \$10,335.00**
      - ii. **Collection Fees – \$81,125.00**
      - iii. **Warrant Fees – \$145,638.00**
      - iv. **Convenience Fees – \$12,747.34**
    - f.
      - a. **FY 2017**
        - i. **Payment Plan Fees – \$13,422.00**
        - ii. **Collection Fees – \$74,128.47**
        - iii. **Warrant Fees – \$131,967.00**
        - iv. **Convenience Fees – \$19,186.04**
      - b.
  - f. For any fees assessed and collected, the order in which a partial payment is applied to the additional fees if an offender makes a partial payment:
    - a. **Payment Plan fees**
    - b. **Collection Fees are paid first under NRS 176.064(4)(d) to satisfy the fees charged by the collection agency.**
    - c. **Warrant Fees are not expressly authorized by NRS; the Court's case management system has been coded to satisfy this fee last if partial payments are applied.**
    - d. **Convenience Fees are collected by the payment processor at the time of the transaction**
3. For each of the last two fiscal years (FY 2016 & FY 2017) indicate how much revenue your court has collected from bail forfeitures for traffic offenses.
- a. **FY2106 - \$1,141,146.60**
  - b. **FY2017 - \$1,148,655.53**

a. To what governmental entity or entities have the bail forfeitures been remitted and to which government fund have the bail forfeitures been deposited?

**Bail forfeitures for traffic misdemeanors are remitted to the Clark County General Fund.**

4. do you have a fine and/or bail schedule, which has either been created internally or provided by a district or city attorney's office or otherwise, for traffic offenses that provides guidance as to the amount of the fine, whether a set amount or a range? If so, please provide a copy of that fine and/or bail schedule.

**Yes, see response to Question 14**

5. Does your court or your county or city, as applicable, utilize an outside collection agency to collect fines and fees? If so, please identify the name of the collection agency or agencies utilized over the last two fiscal years (FY2016 and FY2017)?

**NO – at present time Henderson Justice Court does not utilized an outside collection agency. However, County Courts have a contract with Valley Collection Services.**

6. Does your court and/or collection agency distinguish between first and third party collections? **Yes, the Court is the first party and only collector at this time.**

7. Over the last 5 fiscal years (FY13, FY14, FY15, FY16 and FY17), what is the internal collections rate for fines /fees assessed?

- a. What is the collection rate for fines /fees in first party collections?
- b. What is the collection rate for fines /fees in third party collections?

8. Does your court conduct an assessment at any point to determine whether a fine is uncollectible such that the fine may be cancelled pursuant to NRS 176.059(3)? **YES**

- a. If yes, what criteria is used –
  - a. **The citations must be in bench warrant / collection status,**
  - b. **Have no activity for more than 7 years,**
  - c. **The citation must be over 7 years old**
  - d. **We have a warrant purged process that will vacate outstanding fine / fee balance and close the case yearly.**
- b. What amount of unpaid fines/fees have been deemed uncollectible over the past 2 FY (16 / 17)? **None**

9. NRS 176.085 authorizes the court to direct payment of fines/administrative assessment fees in installment. Does your court allow defendants to pay in installments? **YES**

a. What criteria does your court use to determine whether the amount due is “within the defendant’s present ability to pay”? – We **have a payment plan schedule based on total amount owed**

10. If payment in installment is directed does your court charge a fee – **YES**

- a. What is the amount of the fee - **\$25**
- b. Is the fee imposed per case – **YES**
- c. Is the fee imposed per offense – **NO**

11. If offenders choose to perform community service to satisfy traffic fines/fee, how much money is credited for each hour of community service performed? Please indicate a range if the amounts differs among the judges of your court. **1 hour of Community Service = \$10**

- a. Does your court require court authorization before a defendant may perform community service? **YES**

12. How much money is credited toward traffic fines/fees for each day of incarceration? **\$75**

- a. Does your court make a determination as to whether the defendant is indigent before imposing any incarceration in lieu of payment –? Yes
- b. if so, what criteria is used to determine whether defendant is indigent – Determination is made after discussion with defendant in court.

13. Does your court distinguish between warrants issued for failure to appear and failure to pay – **NO**

- a. Does your court consider a failure to make a payment when due as a failure to make an appearance? **YES**
- b. Does your court consider a failure to make a payment when due as a failure to pay? **NO**
- c. How many warrant were issued over the last 2 FY (16 / 17)?
- d. How many warrants were issued over the past 2 FY (16 / 17) for failure to pay?

**The court does not distinguish between failure to appear and failure to pay for tracking warrants. Approximately 1400 traffic citations enter warrant status each year.**

14. Do the judges in your court engage in ex parte settlement discussion with defendants and/or their attorneys as permitted under Judicial Ethics Opinion JE 15-003 (2015)? If so, please provide a copy of any traffic settlement matrices provided to your judges by the prosecuting agency. **Yes, See Attachment A**

15. Does your court or do your judges believe there is an unreasonable delay between the time a traffic citation is issued to an offender and the time the citing agency provides the citation to the court? – **NO, the Court receives citations due to the electronic transmission of citations via the Brazos system.**

- a. If so, do you have a suggestion as to how quickly those citations should be transmitted to the court?

16. Does your court have a contract with a collection agency to collect unpaid fines, fees and administrative assessments – **The County, including Justice Courts, have a contract with Valley Collections.**

17. Please provide the name and contact information of a person that the Committee may contact with follow-up questions.

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