

Fines and Fees Justice Center

Defender Fees & Traffic

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Defender Fees in Nevada

Unfair, Unequal, Unreliable

Right to Appointed Counsel

Gideon v. Wainwright - 1963 Supreme Court decision in which court ruled council must be provided to indigent defendants.

AB70 - 1975 legislative session allows for fees to be charged for use of public defender in Nevada.

- Concern that system was being abused by those who could afford private council.
- Not currently working as intended.

Location, Location, Location

In Nevada, whether or not a defendant gets charged for using a public defender is highly dependent on the location of your citation or arrest.

No Defender fees charged in 2023:

- 9 Justice and Municipal Courts in Clark and Washoe.
- NLV Justice charged 1 defendant.
- 10 rural counties.

Charged Defender fees in 2023:

- 7 Justice and Municipal Courts in Clark and Washoe.
- 4 rural counties.
- Washoe and Clark District Courts.

Disparities Within Individual Courts

For defendants who find themselves in courts that do charge defender fees, whether or not a fee is levied is often based on the judge.

Clark County District Court:

- 5 Judges assessed defender fees on 75% or more of defendants.
- 8 Judges assessed defender fees on less than 5% of defendants.

Sparks Municipal Court:

- One judge was found to be 23 times more likely to assess defender fees than one of his colleagues.

Collection of Defender Fees

Clark County District Court:

- In 2023 the Court collected \$27,900: 8.17% of what was assessed.

Washoe County District Court

- In 2023 the Court collected \$171,541: 42.16% of what was assessed.

Collections under \$10,000 in 2023:

- 7 out of the 11 courts and counties that charged defender fees in 2023 collected less than \$10,000; many collected less than \$5,000.

The Data

- No centralized data system.
- Courts who responded to records request often collected and presented data in unique ways.

Recommendation

End Public Defender Fees in Nevada.

- Bring uniformity to Nevada's judicial system.
- End unevenly applied practice of charging indigent defendants fees.
- Stop collecting money from families of the incarcerated to pay this fee.

Traffic Citations & Accountability

Nevada's current pay to play system

Income and Outcome

In Nevada it is often one's finances not driving behavior that matters.

Low income Drivers:

- Forced to pay a payment plan fee as high as \$50 in at least 16 courts.
- Can not afford bond to challenge their ticket.
- Are at risk of losing license for a missed payment.

Higher income Drivers:

- Can pay a fee to have points reduced in some courts.
- Can hire lawyers from firms to reduce costs and points.
- Can challenge tickets, avoid payment plan fees and minimize risk of licenses suspension.

Henderson Municipal Court

Demerit Point Reduction Fee - Request Form

Please fill out the form below if you would like to enter a plea of guilty or no contest on your traffic citation and request the demerit point reduction fee of \$60 (instead of Traffic Safety School).

- Henderson Municipal Court's website offers a potential reduction of demerit points for a \$60 fee for those who can pay a ticket in full.
- Henderson Municipal Court charges those who need a payment plan a \$50 fee, this does not include the possibility of a point reduction.

Outside Legal Help

How Can Ticket Busters help me resolve my ticket?

As the original traffic ticket solution, Ticket Busters is the quick and convenient way to resolve your traffic tickets without the necessity of spending hours of your time in long lines at the courthouse. Ticket Busters traffic ticket attorneys quickly negotiate your fines and points starting at \$50.00.

The facts and circumstances of each traffic ticket are different, but all tickets are a hassle. The improper handling of a traffic ticket can find you with points on your DMV record and with substantial increases in your auto insurance premiums. A traffic ticket can often cost a commercial driver his or her job.

Ticket Busters lawyers are experienced and knowledgeable in the area of traffic law. In most cases, Ticket Busters will negotiate your fines without you going to court, without you earning points on your driving record, and without any insurance increases.

- Those who can't afford legal representation face higher fines, points on their record and insurance increases.

Safety Vs. Compliance

Nevada drivers who can't afford their tickets lose their licenses much more often than dangerous drivers who pose a risk to public safety.

FTA & FTP Suspensions:

- 4,782 FTP suspension
- 6,528 FTA suspension
- \$12,700 - average annual income loss per suspension.
- Bipartisan SB219, 2021 ended DL suspension was not intended to expire.

Demerit Point Suspensions:

- Fewer than 800 suspensions between 2017 and 2021.
- Waiting on most recent numbers from DMV.
- Only 15 courts use centralized traffic citation system.

Recommendation

End payment plan fees

- At least 17 Justice and Muni courts currently don't charge this outdated fee that is only levied on those who can't afford to pay tickets in full.

End DL suspension for failure to pay

- Driving is essential for many to get to work and pay their court debt.
- Mass suspensions drive up the number of unlicensed and uninsured drivers on the road.

End bond fee to challenge a traffic ticket

- This constitutionally questionable due process fee inhibits the ability of low income individuals to challenge traffic citations.

Prioritize holding dangerous drives accountable over revenue collection from low income Nevadans.

Resources

Defender fees:

- [AT WHAT COST? Findings from an Examination into the Imposition of Public Defense System Fees -NLADA](#)

Traffic:

- [THOUSANDS OF TICKETED DRIVERS GET BREAKS IN LAS VEGAS COURTS, SOMETIMES WITH FATAL RESULTS - LVRJ](#)
- [Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License - Santa Clara University](#)
- [Stepping on the Gas: Accelerating Florida's Growth by Restoring the Freedom to Drive](#)

Fines and Fees:

- [Justice Department Dear Colleague Letter to Courts Regarding Fines and Fees - DOJ](#)