
ASSEMBLY BILL NO. 540—COMMITTEE ON WAYS AND MEANS

MAY 29, 2019

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing the distribution of the proceeds of certain administrative assessments. (BDR 14-1287)

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

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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 administrative assessments; revising provisions governing the distribution of the proceeds of certain administrative assessments; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a person who pleads or is found guilty or guilty but
2 mentally ill of a misdemeanor is required to pay an administrative assessment in
3 addition to any other penalty imposed by the justice or judge. A portion of the
4 proceeds of those assessments must be deposited in the State General Fund and
5 distributed to the Office of Court Administrator to allocate for certain prescribed
6 uses. (NRS 176.059) This bill revises the amount of those proceeds that the Office
7 of Court Administrator is required to allocate for certain uses. The provisions of
8 this bill expire by limitation on June 30, 2021.

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

1 **Section 1.** NRS 176.059 is hereby amended to read as follows:
2 176.059 1. Except as otherwise provided in subsection 2,
3 when a defendant pleads guilty or guilty but mentally ill or is found
4 guilty or guilty but mentally ill of a misdemeanor, including the
5 violation of any municipal ordinance, the justice or judge shall
6 include in the sentence the sum prescribed by the following
7 schedule as an administrative assessment and render a judgment
8 against the defendant for the assessment:



	Fine	Assessment
2	\$5 to \$49	\$30
3	50 to 59	45
4	60 to 69	50
5	70 to 79	55
6	80 to 89	60
7	90 to 99	65
8	100 to 199	75
9	200 to 299	85
10	300 to 399	95
11	400 to 499	105
12	500 to 1,000	120

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14 If the justice or judge sentences the defendant to perform
15 community service in lieu of a fine, the justice or judge shall include
16 in the sentence the amount of the administrative assessment that
17 corresponds with the fine for which the defendant would have been
18 responsible as prescribed by the schedule in this subsection.

19 2. The provisions of subsection 1 do not apply to:

20 (a) An ordinance regulating metered parking; or

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

23 3. The money collected for an administrative assessment must
24 not be deducted from the fine imposed by the justice or judge but
25 must be taxed against the defendant in addition to the fine. The
26 money collected for an administrative assessment must be stated
27 separately on the court's docket and must be included in the amount
28 posted for bail. If bail is forfeited, the administrative assessment
29 included in the amount posted for bail pursuant to this subsection
30 must be disbursed in the manner set forth in subsection 5 or 6. If the
31 defendant is found not guilty or the charges are dismissed, the
32 money deposited with the court must be returned to the defendant. If
33 the justice or judge cancels a fine because the fine has been
34 determined to be uncollectible, any balance of the fine and the
35 administrative assessment remaining unpaid shall be deemed to be
36 uncollectible and the defendant is not required to pay it. If a fine is
37 determined to be uncollectible, the defendant is not entitled to a
38 refund of the fine or administrative assessment the defendant has
39 paid and the justice or judge shall not recalculate the administrative
40 assessment.

41 4. If the justice or judge permits the fine and administrative
42 assessment to be paid in installments, the payments must be first
43 applied to the unpaid balance of the administrative assessment. The
44 city treasurer shall distribute partially collected administrative
45 assessments in accordance with the requirements of subsection 5.



1 The county treasurer shall distribute partially collected
2 administrative assessments in accordance with the requirements of
3 subsection 6.

4 5. The money collected for administrative assessments in
5 municipal court must be paid by the clerk of the court to the city
6 treasurer on or before the fifth day of each month for the preceding
7 month. The city treasurer shall distribute, on or before the 15th day
8 of that month, the money received in the following amounts for each
9 assessment received:

10 (a) Two dollars to the county treasurer for credit to a special
11 account in the county general fund for the use of the county's
12 juvenile court or for services to juvenile offenders. Any money
13 remaining in the special account after 2 fiscal years must be
14 deposited in the county general fund if it has not been committed for
15 expenditure. The county treasurer shall provide, upon request by a
16 juvenile court, monthly reports of the revenue credited to and
17 expenditures made from the special account.

18 (b) Seven dollars for credit to a special revenue fund for the use
19 of the municipal courts. Any money remaining in the special
20 revenue fund after 2 fiscal years must be deposited in the municipal
21 general fund if it has not been committed for expenditure. The city
22 treasurer shall provide, upon request by a municipal court, monthly
23 reports of the revenue credited to and expenditures made from the
24 special revenue fund.

25 (c) Five dollars to the State Controller for credit to the State
26 General Fund.

27 (d) The remainder of each assessment to the State Controller for
28 credit to a special account in the State General Fund for distribution
29 as provided in subsection 8.

30 6. The money collected for administrative assessments in
31 justice courts must be paid by the clerk of the court to the county
32 treasurer on or before the fifth day of each month for the preceding
33 month. The county treasurer shall distribute, on or before the 15th
34 day of that month, the money received in the following amounts for
35 each assessment received:

36 (a) Two dollars for credit to a special account in the county
37 general fund for the use of the county's juvenile court or for services
38 to juvenile offenders. Any money remaining in the special account
39 after 2 fiscal years must be deposited in the county general fund if it
40 has not been committed for expenditure. The county treasurer shall
41 provide, upon request by a juvenile court, monthly reports of the
42 revenue credited to and expenditures made from the special account.

43 (b) Seven dollars for credit to a special revenue fund for the use
44 of the justice courts. Any money remaining in the special revenue
45 fund after 2 fiscal years must be deposited in the county general



1 fund if it has not been committed for expenditure. The county
2 treasurer shall provide, upon request by a justice court, monthly
3 reports of the revenue credited to and expenditures made from the
4 special revenue fund.

5 (c) Five dollars to the State Controller for credit to the State
6 General Fund.

7 (d) The remainder of each assessment to the State Controller for
8 credit to a special account in the State General Fund for distribution
9 as provided in subsection 8.

10 7. The money apportioned to a juvenile court, a justice court or
11 a municipal court pursuant to this section must be used, in addition
12 to providing services to juvenile offenders in the juvenile court, to
13 improve the operations of the court, or to acquire appropriate
14 advanced technology or the use of such technology, or both. Money
15 used to improve the operations of the court may include
16 expenditures for:

- 17 (a) Training and education of personnel;
- 18 (b) Acquisition of capital goods;
- 19 (c) Management and operational studies; or
- 20 (d) Audits.

21 8. Of the total amount deposited in the State General Fund
22 pursuant to paragraph (d) of subsection 5 and paragraph (d) of
23 subsection 6, the State Controller shall distribute the money
24 received to the following public agencies in the following manner:

25 (a) Not less than 51 percent to the Office of Court Administrator
26 for allocation as follows:

27 (1) ~~Thirty-six~~ *Forty-six* and ~~one-half~~ *three-quarters*
28 percent of the amount distributed to the Office of Court
29 Administrator for:

- 30 (I) The administration of the courts;
- 31 (II) The development of a uniform system for judicial
32 records; and
- 33 (III) Continuing judicial education.

34 (2) ~~Forty-eight~~ *Thirty-seven and three-quarters* percent of
35 the amount distributed to the Office of Court Administrator for the
36 Supreme Court.

37 (3) Three and one-half percent of the amount distributed to
38 the Office of Court Administrator for the payment for the services of
39 retired justices, retired judges of the Court of Appeals and retired
40 district judges.

41 (4) Twelve percent of the amount distributed to the Office of
42 Court Administrator for the provision of specialty court programs.

43 (b) Not more than 49 percent must be used to the extent of
44 legislative authorization for the support of:



1 (1) The Central Repository for Nevada Records of Criminal
2 History;

3 (2) The Peace Officers' Standards and Training Commission;

4 (3) The operation by the Department of Public Safety of a
5 computerized interoperative system for information related to law
6 enforcement;

7 (4) The Fund for the Compensation of Victims of Crime;

8 (5) The Advisory Council for Prosecuting Attorneys; and

9 (6) Programs within the Office of the Attorney General
10 related to victims of domestic violence.

11 9. Any money deposited in the State General Fund pursuant to
12 paragraph (d) of subsection 5 and paragraph (d) of subsection 6 that
13 is not distributed or used pursuant to paragraph (b) of subsection 8
14 must be transferred to the uncommitted balance of the State General
15 Fund.

16 10. As used in this section:

17 (a) "Juvenile court" has the meaning ascribed to it in
18 NRS 62A.180.

19 (b) "Office of Court Administrator" means the Office of Court
20 Administrator created pursuant to NRS 1.320.

21 **Sec. 2.** This act becomes effective on July 1, 2019, and expires
22 by limitation on June 30, 2021.

