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## PAST LEGISLATION REGARDING COURT FEES AND ADMINISTRATIVE ASSESSMENTS

Following is an overview of the major legislation regarding court fees and administrative assessments passed by the Nevada State Legislature since 1991.

### **2019 LEGISLATIVE SESSION**

[Assembly Bill 110](#) revises provisions governing citations for minor traffic and related violations. Courts with jurisdiction over traffic citations may establish a system allowing a person who has been issued a traffic citation to make a plea and statement of his or her defense or any mitigating circumstances by mail, electronic mail, over the Internet, or other electronic means. The measure sets forth the requirements that any such system must meet and authorizes the Nevada Supreme Court to adopt rules relating to the establishment of such a system. The bill also provides the following:

The director of Nevada's Department of Motor Vehicles is required to release to the court or its traffic violations bureau certain contact information of a person who has been issued a traffic citation;

- A traffic enforcement agency is authorized to issue traffic citations and provide notifications concerning the traffic citation to a person electronically;
- A peace officer is authorized to request the electronic mail address and mobile telephone number of the person with the traffic citation for the purpose of enabling the court in which the person is required to appear to communicate with the person; and
- A court or traffic violations bureau may allow an eligible person to resolve his or her traffic citation through a system established by a court before the day he or she is required to appear in court. If a person uses the system, the person waives his or her right to a trial and the right to confront any witnesses.

This bill makes a conforming change to provide that using the system to make a plea and state a defense or any mitigating circumstances does not constitute a failure to appear in court.

Finally, the measure removes the 50-year limitation on the imposition of an administrative assessment for the provision of court facilities.

[Assembly Bill 416](#) revises provisions relating to the procedure for collecting delinquent fines, administrative assessments, fees, or restitution. The bill removes the ability of a state or local entity to report a delinquency to a credit-reporting agency, and it removes the ability of the court to request that a prosecuting attorney undertake the collection of the delinquency or to order the suspension of a defendant's driver's license or prohibit a defendant from applying for a driver's license.

Among other provisions, the bill authorizes a court to order community service in lieu of payment of part or all of any administrative assessment or fee for the commission of a

misdemeanor, and it specifies that a court may only order the suspension of a defendant's driver's license or prohibit a defendant from applying for a driver's license for a specified period if the court determines that the defendant:

- Has the ability to pay the amount due and is willfully avoiding payment; or
- Was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service.

Finally, the bill provides that any delinquent fine, administrative assessment, or fee owed by a defendant who commits a minor traffic offense is deemed to be uncollectible if after eight years it remains impossible or impracticable to collect the delinquent amount.

[Assembly Bill 434](#) establishes the legislative intent that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine, or court fee imposed for the commission of a traffic violation should generally be disfavored unless failing to incarcerate such a person would substantially jeopardize public safety. The measure establishes a presumption that a person arrested for the commission of certain traffic violations should be released on his or her own recognizance so long as the person pays all associated fees, fines, and assessments in full. A warrant may not be issued for a failure to pay unless the person has been provided with the opportunity to perform community service to pay the amount owed and has failed to do so. The bill increases the amount of credit that an offender receives against his or her fine for each day of incarceration served by the offender. Additionally, certain convictions for a traffic violation are not criminal convictions for the purpose of applying for employment, a professional license, or any educational opportunities.

The measure specifies that payments by an offender with multiple violations or multiple cases are to be applied first to any traffic violations and then to outstanding assessments, fines, and fees. The measure creates a uniform range of fines for minor traffic and related violations throughout the state and encourages the early payment of citations for traffic or related violations by authorizing a reduction in the charge if payment is made prior to a court appearance, unless the person demonstrates a pattern of moving traffic violations.

Lastly, the measure provides that if a person commits any offense for which a local authority is prohibited from enacting an ordinance, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.

[Assembly Bill 439](#) revises various provisions relating to the imposition of certain fees, costs, and administrative assessments in juvenile proceedings. The juvenile court is required, to the extent possible, to arrange for the child to receive such services from an approved provider that receives a sufficient amount of state or federal funding to offset the remainder of the costs of such services. In addition, the measure eliminates the authority of the juvenile court to order a parent or guardian of a child to pay certain costs such as:

- Supporting the child if the child is committed to the custody of a person other than the parent or guardian or to the custody of a public or private institution or agency;
- Reimbursing the county for expenses incurred for the support of the child;
- A collection fee for a civil judgment for any payment owed by a child or a parent or guardian of the child;
- A program of restitution in which the child is required to participate;

- Reasonable fees and expenses of an attorney appointed by the juvenile court;
- Certain insurance while the child is performing community service; or
- Counseling or other psychological treatment the child is ordered to attend.

The measure repeals the requirement that a child or the parent or guardian of a child pay an administrative assessment fee if the juvenile court imposes a fine against the child and sets forth provisions concerning who will pay the costs of medical care for a child who is in the custody of a juvenile detention facility under various circumstances.

[Assembly Bill 540](#) revises the amount of the proceeds of an administrative assessment imposed on a person who pleads or is found guilty or guilty but mentally ill of a misdemeanor that the Office of Court Administrator is required to allocate for certain uses. For the 2019–2021 Biennium, the bill:

Increases from 36.5 to 46.75 the percentage of the proceeds that are to be distributed to the Office of Court Administrator for the administration of the courts, the development of a uniform system for judicial records, and continuing judicial education; and

- Reduces from 48 to 37.75 the percentage of the proceeds to be distributed to the Office of Court Administrator for the Supreme Court.

The measure expires by limitation on June 30, 2021.

## **2017 LEGISLATIVE SESSION**

[Assembly Bill 512](#) extended to June 30, 2019, the expiration date of a \$100 fee that must be imposed by a court if a person pleads guilty, guilty but mentally ill, or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor.

[Senate Bill 274](#) reduces the filing fee for the filing to petition the court to prove the existence of a postadoptive contact and request that the agreement be incorporated into the order or decree of adoption or to enforce the terms of the agreement.

## **2015 LEGISLATIVE SESSION**

[Assembly Bill 132](#) increases from \$20 to \$30 the fee that a person filing any action for divorce must pay to the county clerk for programs administered by the Department of Employment, Training and Rehabilitation that provide education, training, and counseling of displaced homemakers.

[Senate Bill 388](#) provides for the imposition of additional fees to be charged by a county clerk when a party to a jointly filed divorce action files for the first time a motion to modify or enforce a final order or an opposition, answer, or response to such a motion. Funds from these charges are to be used only for specific purposes that benefit the court, including, but not limited to, land acquisition, renovation or construction of court facilities, advanced technology acquisition, and establishing or supporting a civil family law self-help center.

## **2013 LEGISLATIVE SESSION**

[Assembly Bill 54](#) adopts a revised schedule of fees a justice of the peace must charge and collect on the commencement of actions, the preparation and filing of affidavits and orders, the appearance of defendants, the preparation of transcripts, and other actions in justice court.

The bill requires 25 percent of the portion of these fees payable to the county treasurer to be deposited into a special account for the benefit of the justice courts in the county. The funds in the special account may only be used for the construction of additional facilities; the expansion or renovation of existing facilities; acquisition of equipment, fixtures, and furniture; equipment or staff for enhanced security; and certain other items. The bill also requires a county treasurer, if necessary, to reduce the amount deposited in the special account to ensure that the total fees paid to the county treasurer in any fiscal year are not less than the amount paid in Fiscal Year 2012–2013. Finally, the measure authorizes a board of county commissioners to impose, by ordinance, a filing fee on the commencement of an action or the filing of an answer in justice court, to offset a portion of the cost of operating a law library in the county.

[Senate Bill 224](#) imposes a fee of \$100, in addition to any other penalty, if a person is convicted of driving under the influence of intoxicating liquor or a controlled substance. The money collected from the fee must be used to support a specialty court program established to facilitate testing, treatment, and oversight of certain persons who suffer from a mental illness or abuse alcohol or drugs. The measure provides for the imposition of community service if a defendant is unable to pay the fee.

## **2011 LEGISLATIVE SESSION**

[Assembly Bill 259](#) requires that certain fees charged at the commencement and first filing of civil actions be used to support legal services for the indigent in counties whose population is less than 100,000. In a county with a population of 100,000 or more, the bill directs \$10 from each stated fee to certain legal organizations for the operation of programs for the indigent.

## **2009 LEGISLATIVE SESSION**

[Assembly Bill 65](#) authorizes the district courts to charge and collect additional filing fees in civil cases, which must be deposited into a special county account maintained for the benefit of the court, including court-appointed special advocate programs in counties other than Clark and Washoe Counties. The new fee revenues must only be used to offset the costs of adding and maintaining new judicial departments and reimbursing the county for capital costs incurred for adding new departments. The measure authorizes a board of county commissioners to impose a filing fee of not more than \$20 for the commencement of any civil action or district court proceeding, to be used for certain court security costs. The bill also requires the collection of a \$50 filing fee for any notice of default and election to sell, to be deposited in a special account to support a program of foreclosure mediation established by Supreme Court Rule. A portion of this fee must be placed in a special account for use by the county recorder.

[Assembly Bill 531](#) revises provisions governing the distribution of the proceeds of certain administrative assessments. This bill revises the provisions governing the distribution of those proceeds by: (1) authorizing the court administrator to allocate a certain percentage of the proceeds among several prescribed uses; (2) authorizing the use of such proceeds

pursuant to legislative authorization for the support of programs within the Office of the Attorney General related to victims of domestic violence; and (3) providing that any proceeds deposited in the State General Fund that are not distributed must be transferred to the uncommitted balance of the State General Fund.

## **2007 LEGISLATIVE SESSION**

[Assembly Bill 30](#) provides that the public agency eligible for certain administrative assessments used to fund the operation of a law enforcement computerized information system be changed from the Nevada Highway Patrol to the Department of Public Safety.

[Senate Bill 131](#) authorizes county clerks to charge and collect an additional fee of \$5 for filing and recording a bond of a notary public, the money from which must be used to fund various technological improvements used in the offices of the county clerks.

## **2005 LEGISLATIVE SESSION**

[Senate Bill 177](#) authorizes a board of county commissioners to impose an additional filing fee not to exceed \$15 to fund programs for arbitration and other methods of alternative dispute resolution. Senate Bill 177 also increases from \$5 to \$10 the maximum fee that boards of county commissioners may impose upon the commencement of civil actions in district court or justice court to offset the cost of providing pro bono programs and free legal services to abused or neglected children and victims of domestic violence.

## **2003 LEGISLATIVE SESSION**

[Assembly Bill 29](#) imposes a \$7 administrative assessment on persons convicted of a misdemeanor to fund specialty court programs. Assembly Bill 29 defines *specialty court programs* as programs to facilitate testing, treatment, and oversight of persons within the court's jurisdiction who the court has determined suffer from a mental illness or abuse alcohol or drugs.

The money collected from the assessment by city and county treasurers must be deposited with the state controller for credit to a special account in the State General Fund administered by the Office of Court Administrator. Prior to January 1 of each odd-numbered year, the court administrator must prepare and submit to the Legislative Counsel Bureau a report concerning the distribution of the money deposited into the special account, the status of any specialty court programs to which money was allocated, and any other relevant information. The bill also increases by \$10 the existing administrative assessments imposed when a person pleads guilty or is found guilty of a misdemeanor. Further, the bill establishes procedures under which the Office of Court Administrator is notified of orders for bail forfeitures for defendants charged with gross misdemeanors or felonies. Upon the request of the Office of Court Administrator, after a certain period of time has elapsed, the court is required to enter a default judgment and commence execution proceedings.

[Senate Bill 106](#) imposes an additional \$30 filing fee in multi-party civil actions. The \$30 fee applies to each additional plaintiff when filed, each additional defendant when answered, and each additional plaintiff named when the complaint is amended. The distribution of fees collected under this measure is:

- \$8 to local district courts for technology;
- \$7 to defray the costs of providing legal services for the indigent (\$5) and elderly (\$2);
- \$10 to the Office of Court Administrator for statewide technology projects; and
- \$5 to the Office of Court Administrator to pay for the services of retired justices and judges.

In addition, the bill adds a \$50 court automation fee for any appeal or special proceeding before the Supreme Court. The money from this fee is to be credited to a special account in the State General Fund and used for technological purposes in the Supreme Court.

[Senate Bill 107](#) expands, from 25 to 50 years, the time limitation in which justice or municipal courts may impose an administrative assessment for the provision of court facilities. Under *Nevada Revised Statutes* (NRS) 176.0611, justice and municipal courts are authorized to impose a \$10 administrative assessment, to cover court maintenance and construction of court facilities, on a defendant who pleads or is found guilty of a misdemeanor.

## **2001 LEGISLATIVE SESSION**

[Assembly Bill 239](#) relates to filing fees in district and justice courts to offset the costs of providing pro bono programs and free legal services to abused or neglected children and victims of domestic violence. The bill allows certain boards of county commissioners to offset a portion of the costs of providing pro bono programs and legal services without charge to abused or neglected children and victims of domestic violence. The board may, by ordinance, raise filing fees in district courts and justice courts under certain circumstances. These fees are to be remitted to specified organizations operating the program for legal services.

Further, the bill allows a fee of \$5 on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required. The fee of \$25 is to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to Chapters 125, 125B, or 125C of NRS, and on the filing of any answer or response to such motion or other paper. In justice court the fee of \$5 may be charged where a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

The bill specifies that a board of county commissioners may not by ordinance impose a filing fee for a motion filed to adjust the amount of child support, or a motion for reconsideration or for a new trial that is filed within ten days after a final judgment or decree has been issued.

[Assembly Bill 535](#) reduces or waives court fees concerning the adoption of a child with special needs. This measure requires a county clerk to reduce the total filing fee to not more than \$1 for filing a petition to adopt a child with special needs if the Division of Child and Family Services, Department of Health and Human Resources, or a child-placing agency licensed by the Division consents to the adoption. Additionally, AB 535 requires a court to waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the Division or child-placing agency consents to the adoption.

[Assembly Bill 548](#) revises the provisions governing agencies eligible to receive a distribution of proceeds from administrative assessments to include the Advisory Council for Prosecuting Attorneys.

[Senate Bill 139](#) requires any amount appropriated by the Legislature from the State General Fund for the support or operation of the Supreme Court during a fiscal year to be reduced to the extent that the amount of any administrative assessments distributed to the Office of Court Administrator for allocation to the Supreme Court under statute exceeds the amount authorized by the Legislature for expenditure from those assessments for that fiscal year.

## **1999 LEGISLATIVE SESSION**

[Assembly Bill 24](#) authorizes courts to contract for the acceptance of credit cards and debit cards for the payment of money owed to the court for a fee, fine, administrative assessment, restitution, or any other charge. If the issuer of a credit card or debit card charges the court a fee for each use of such a card, the court may require the cardholder to pay a fee not exceeding the amount charged by the issuer.

## **1997 LEGISLATIVE SESSION**

[Assembly Bill 102](#) removes the population requirement for counties and cities authorized to impose administrative assessments relating to the provision of justice and municipal court facilities.

[Assembly Bill 193](#) increases, from \$100 to \$200, Supreme Court filing fees and advance opinion subscription rates. The measure increases the fee for filing an appeal or special proceeding and imposes an additional \$100 fee for each rehearing petition. The bill specifies, however, that no fees may be charged for an appeal from a criminal proceeding. The measure also doubles the rates for Supreme Court decisions. For decisions in pamphlet form for each year, the subscription rate is increased from \$30 to \$60; for less than a six-month supply, the rate is increased from \$15 to \$30. Finally, AB 193 authorizes the clerk of the Supreme Court to charge a reasonable fee for electronic access to Supreme Court decisions.

[Senate Bill 29](#) revises the provisions governing the collection of certain delinquent fines, administrative assessments, fees, and restitution. In addition to providing for a collection fee based on the delinquent amount owed by the defendant for criminal fines, fees, restitution, or assessments, this measure specifies the procedures a court may utilize to collect these obligations and sets forth the order in which the procedures should be employed. The bill authorizes the court to request that a prosecuting attorney undertake the collection of the delinquent amounts, order the suspension of the defendant's driver's license until the delinquent amount is paid, or order the confinement of the defendant pursuant to existing law.

In addition to the methods allowed under existing law, SB 29 also authorizes state and local entities that collect these delinquent obligations to report the defendant's failure to pay to a credit reporting agency, to request that the court intervene, or to contract with a private collection agency to collect the delinquent amount, including the collection fee.

The measure specifies that any amount received for the collection fees must be deposited in an account or a special fund and utilized to implement the collection program at the state, county, or city level, depending upon which entity received the fee. Finally, SB 29 revises the provisions under which a court may order the confinement of a defendant for failure to

pay certain fines, forfeitures, and administrative assessments. Under existing law, the court may incarcerate a defendant for a period of one day for each \$25 owed, in addition to any sentence of incarceration imposed for the crime committed. Senate Bill 29 changes the rate to one day for each \$75 owed.

[Senate Bill 461](#) increases by \$5 the administrative assessments that must be imposed on defendants convicted of misdemeanors. This measure also revises the formula for the distribution of the proceeds from these assessments by increasing the amount placed into the court's special revenue fund and into the special account for services to juvenile offenders.

[Senate Concurrent Resolution 10](#) directs the Legislative Commission to appoint an interim subcommittee to study fees, fines, forfeitures, and administrative assessments imposed and collected by the courts of the State of Nevada. Among other issues, the study must analyze the differing purposes for the imposition, collection, and expenditure of money from these sources. In addition, the study must analyze the proper use and characterization of the terms *fees*, *finer*, *forfeitures*, and *administrative assessments* and determine whether all such money is actually collected. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

## **1995 LEGISLATIVE SESSION**

[Assembly Bill 182](#) makes a supplemental appropriation of \$25,428 to the Supreme Court for an anticipated shortfall in administrative assessments.

[Assembly Bill 364](#) authorizes a county with a population of 400,000 or more, or a city located within such a county, to impose a \$10 administrative assessment for the provision of court facilities, including the acquisition of land, construction of new court facilities, renovation or remodeling of existing court facilities, acquisition of advanced technology, and payment of specified debt service. The assessment must be imposed on each defendant who pleads or is found guilty of a misdemeanor. The bill also includes certain restrictions regarding the imposition and collection of the assessment.

[Assembly Bill 374](#) requires persons who violate the state graffiti law to pay an administrative assessment of \$250 for each violation. The money is credited to the graffiti reward fund, which operates to provide rewards to people who provide information leading to the conviction of a person who unlawfully places graffiti.

[Assembly Bill 410](#) increases, from \$15 to \$20, that portion of the fee for filing a divorce action that is collected for Nevada's program for displaced homemakers.

## **1993 LEGISLATIVE SESSION**

[Assembly Bill 49](#) requires judgments to include any term of imprisonment, fine, restitution, or administrative assessment entered against the offender.

[Assembly Bill 55](#) amends the provisions relating to the disbursement of administrative assessments for misdemeanor violations. The bill provides that the portion of administrative assessments designated for the use of municipal or justice courts be deposited in a special revenue fund rather than the municipal or county general fund, respectively. The measure further stipulates that assessment money which is not planned for capital expenditures may be held in the special revenue fund for two fiscal years before requiring transfer to the municipal or county general fund. This bill enables the courts to carry over administrative assessment fees

from one fiscal year to the next and to improve access to and management of available funds.

## **1991 LEGISLATIVE SESSION**

[Assembly Bill 512](#) increases from \$20 to \$25 the administrative assessment fee imposed on defendants who plead guilty to or are convicted of a felony. The bill provides for the disposition of these funds by requiring that \$5 of each assessment be paid to the special account in the county general fund for the use of the district court. The remainder of each assessment is credited to the Special Account for the Assistance of Criminal Justice in the State General Fund which is distributed to the Office of the Attorney General as authorized by the Legislature.

[Senate Bill 304](#) imposes a fee of \$15 for the commencement of a divorce action in each county. Previous law limited the collection of this additional fee only to Clark County.

[Senate Bill 589](#) requires the juvenile court to impose an administrative assessment of \$10 whenever a juvenile is fined for a violation of the juvenile laws.

[Senate Bill 637](#) revises the distribution of proceeds of administrative assessments collected in municipal and justice courts. Previous law required that certain dollar amounts collected from administrative assessments be distributed to various agencies related to the judicial system until the fund was spent. This measure changes the dollar amounts to percentages of the total amount in the fund. The actual amounts each agency receives will vary based on the change to the percentage. This measure also authorizes a judge or justice to declare that a fine is uncollectible and to cancel that fine.

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