
SENATE BILL NO. 377—COMMITTEE ON JUDICIARY

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public defenders.
(BDR 14-1005)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 13, 15)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 public defenders; creating the Nevada Right to Counsel Commission; prescribing the duties and powers of the Commission; authorizing the Commission to establish certain standards governing public defenders; renaming the Office of State Public Defender as the Office of Indigent Legal Services and removing the Office from the Department of Health and Human Services; authorizing certain counties to transfer responsibility for the provision of all or certain indigent defense services in the county to the Office; requiring the Office to engage independent expertise to conduct periodic evaluations of indigent defense services provided by certain counties; requiring counties subject to such evaluations to transfer responsibility for the provision of indigent defense services to the Office in certain circumstances; requiring counties that transfer responsibility for the provision of indigent defense services to the Office to pay a certain amount annually to the Commission; revising provisions relating to the county offices of public defender; and providing other matters properly relating thereto.



* S B 3 7 7 *

Legislative Counsel's Digest:

1 Existing law requires a district judge, justice of the peace, municipal judge or
2 master to appoint an attorney for an indigent person who is charged with certain
3 crimes. (NRS 171.188) Existing law also provides that if the parent or guardian of a
4 child who is alleged to be delinquent or in need of supervision is indigent, the
5 juvenile court must appoint an attorney for the child. (NRS 62D.030) Under
6 existing law, a county whose population is 100,000 or more (currently Clark and
7 Washoe Counties) must create an office of public defender to provide these defense
8 services to indigent persons, and any county whose population is less than 100,000
9 may, but is not required to, create such an office. (NRS 260.010) The State Public
10 Defender provides indigent defense services in counties that have not created an
11 office of public defender. (NRS 180.060) Finally, a magistrate, master or district
12 court may appoint a person other than a public defender to provide legal
13 representation to an indigent person only if the magistrate, master or district makes
14 a finding that the public defender is disqualified from furnishing the representation.
15 (NRS 7.115)

16 This bill creates the Nevada Right to Counsel Commission and prescribes the
17 duties and functions of the Commission. **Section 9** of this bill provides that the
18 Commission consists of 13 voting members and the Chief Justice of the Nevada
19 Supreme Court, who is an ex officio nonvoting member of the Commission. Under
20 **section 9**, of the 13 voting members of the Commission, the Governor appoints 10
21 members from among nominees selected by various entities interested in the
22 provision of indigent defense services and the Majority Leader of the Senate, the
23 Speaker of the Assembly and the Chief Justice of the Nevada Supreme Court each
24 appoint one member. **Section 9** also provides that a member of the Commission
25 serves without compensation but is entitled to receive the per diem and travel
26 expenses for state officers and employees while the member is engaged in the
27 business of the Commission. **Section 32** of this bill establishes the initial terms for
28 members of the Commission so that the terms are staggered. **Section 10** of this bill
29 creates the Indigent Defense Account in the State General Fund to receive any
30 money appropriated to or otherwise collected by the Commission. Money in the
31 Account does not revert to the State General Fund at the end of a fiscal year.

32 **Section 11** of this bill authorizes the Commission to propose minimum
33 standards concerning the provision of legal representation to indigent persons. The
34 minimum standards may include, without limitation, standards for: (1) ensuring
35 sufficient time and meeting space for meetings between defense counsel and
36 clients; (2) ensuring that the defense counsel's ability, training and experience
37 match the nature and complexity of the case to which he or she is appointed; (3)
38 ensuring that the same defense counsel represents a client through the pendency of
39 a case; and (4) the uniform collection of data. Standards proposed by the
40 Commission must be submitted to the Nevada Supreme Court for approval and
41 become effective upon approval by the Court.

42 Existing law creates the Office of State Public Defender within the Department
43 of Health and Human Services and requires the Governor to appoint the State
44 Public Defender. (NRS 180.010) **Section 17** of this bill renames the Office of State
45 Public Defender as the Office of Indigent Legal Services and removes the Office
46 from the Department of Health and Human Services. **Section 17** also requires the
47 Commission to appoint and supervise the Chief Counsel of the Office, who is the
48 chief administrative officer of the Office and is responsible to the Commission.
49 **Section 16** of this bill provides that the Commission may authorize the Chief
50 Counsel to employ certain persons. **Section 18** of this bill authorizes the Chief
51 Counsel, with the approval of the Commission, to establish branch offices
52 and requires the Commission to designate a lead attorney to supervise each such
53 office.



* S B 3 7 7 *

54 **Sections 12 and 13** of this bill, respectively, authorize any county whose
55 population is less than 100,000 (currently all counties other than Clark and Washoe
56 Counties) to transfer responsibility for the provision of all or only appellate
57 indigent defense services in the county to the Office and requires the board of
58 county commissioners of any such county to provide advanced notice of such a
59 decision to the Commission.

60 **Section 14** of this bill requires the Office to engage independent expertise to
61 conduct periodic evaluations of the indigent defense services provided in a county
62 that has retained responsibility for the provision of trial-level indigent defense
63 services in the county to determine whether such services comply with the
64 standards adopted by the Commission pursuant to **section 11**. **Section 14**
65 establishes the procedure to be used if such indigent defense services provided by a
66 county are determined not to be in compliance, including the ability of the county
67 to petition the Supreme Court to appeal any determination of noncompliance. If a
68 county does not petition the Supreme Court or the court determines that the
69 indigent defense services provided in the county are not in compliance with the
70 standards adopted by the Commission, the county is required to transfer
71 responsibility for the provision of indigent defense services in the county to the
72 Office.

73 **Section 15** of this bill requires any county that transfers responsibility for the
74 provision of some or all indigent defense services in the county to pay to the
75 Commission on an annual basis the average annual amount paid by the county to
76 provide indigent defense services during the 3 fiscal years immediately preceding
77 the fiscal year for which the Office assumes responsibility for the provision of
78 indigent defense services in the county.

79 Under existing law, in a county which has created the office of public defender,
80 the board of county commissioners may fill the office by appointment, and the
81 county public defender serves at the pleasure of the board of county commissioners.
82 (NRS 260.010) **Section 28** of this bill requires the board of county commissioners
83 to submit to the Commission a report concerning the procedures used by the board
84 to appoint or remove the county public defender to ensure that the appointment or
85 removal was not the result of undue political and judicial interference.

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

1 **Section 1.** NRS 171.188 is hereby amended to read as follows:
2 171.188 1. Any defendant charged with a public offense who
3 is an indigent may, by oral statement to the district judge, justice of
4 the peace, municipal judge or master, request the appointment of an
5 attorney to represent the defendant.

6 2. The request must be accompanied by the defendant's
7 affidavit, which must state:

8 (a) That the defendant is without means of employing an
9 attorney; and

10 (b) Facts with some particularity, definiteness and certainty
11 concerning the defendant's financial disability.

12 3. The district judge, justice of the peace, municipal judge or
13 master shall forthwith consider the application and shall make such



1 further inquiry as he or she considers necessary. If the district judge,
2 justice of the peace, municipal judge or master:

3 (a) Finds that the defendant is without means of employing an
4 attorney; and

5 (b) Otherwise determines that representation is required,
6 → the judge, justice or master shall designate the public defender of
7 the county or the ~~{State Public Defender,}~~ *Chief Counsel of the*
8 *Office of Indigent Legal Services*, as appropriate, to represent the
9 defendant. If the appropriate public defender is unable to represent
10 the defendant, or other good cause appears, another attorney must be
11 appointed.

12 4. The county *public defender* or ~~{State Public Defender,}~~
13 *Chief Counsel* must be reimbursed by the city for costs incurred in
14 appearing in municipal court. The county shall reimburse the ~~{State~~
15 ~~Public Defender,}~~ *Chief Counsel* for costs incurred in appearing in
16 Justice Court. If a private attorney is appointed as provided in this
17 section, the private attorney must be reimbursed by the county for
18 appearance in Justice Court or the city for appearance in municipal
19 court in an amount not to exceed \$75 per case.

20 **Sec. 2.** Chapter 180 of NRS is hereby amended by adding
21 thereto the provisions set forth as sections 3 to 16, inclusive, of this
22 act.

23 **Sec. 3.** *The Legislature hereby finds and declares that:*

24 *1. Section 1 of Article 1 of the Nevada Constitution*
25 *recognizes the inalienable right of persons to defend life and*
26 *liberty. This State is committed to the protection of individual*
27 *liberty.*

28 *2. Section 2 of Article 1 of the Nevada Constitution*
29 *acknowledges that the paramount allegiance of every citizen is due*
30 *to the Federal Government in the exercise of all its constitutional*
31 *powers as have been or may be defined by the Supreme Court of*
32 *the United States. Under the Sixth and Fourteenth Amendments to*
33 *the Constitution of the United States, the obligation to provide*
34 *effective representation to accused indigent persons at each*
35 *critical stage of criminal and delinquency proceedings rests with*
36 *the states. Accordingly, it is the obligation of the Legislature to*
37 *provide the general framework and resources necessary for the*
38 *provision of indigent defense services in this State.*

39 *3. In recognition of the mandates under the Constitution of*
40 *the United States and the Nevada Constitution, the Legislature*
41 *enacts sections 3 to 16, inclusive, of this act for the following*
42 *purposes:*

43 *(a) Ensuring that adequate public funding of the right to*
44 *counsel is provided and managed in a cost-effective and fiscally*
45 *responsible manner.*



1 ***(b) Ensuring that the system for the provision of indigent***
2 ***defense services is free from undue political and judicial***
3 ***interference and conflicts of interest.***

4 ***(c) Establishing a flexible system for the provision of indigent***
5 ***defense services that is responsive to and respectful of judicial***
6 ***variances and local community needs and interests.***

7 ***(d) Ensuring that the right to counsel is provided by qualified***
8 ***and competent counsel in a manner that is fair and consistent***
9 ***throughout this State.***

10 ***(e) Providing for statewide oversight with the objective that all***
11 ***indigent criminal defendants who are eligible to have appointed***
12 ***counsel at the expense of the public receive effective assistance of***
13 ***counsel at each critical stage of a proceeding.***

14 ***(f) Providing for the ability to collect and verify objective***
15 ***statistical data on indigent defense services to assist state and local***
16 ***policymakers in making informed decisions regarding the***
17 ***appropriate funding levels for the purpose of ensuring the***
18 ***existence of an adequate system for the provision of indigent***
19 ***defense services.***

20 ***(g) Providing for the development of uniform standards and***
21 ***guidelines for the delivery of indigent defense services and for an***
22 ***effective management system to monitor and enforce compliance***
23 ***with such standards and guidelines. Such standards and***
24 ***guidelines are intended to facilitate the efficient and effective***
25 ***provision of indigent defense services in this State for criminal***
26 ***and delinquency proceedings and are not intended as criteria for***
27 ***the judicial evaluation of alleged misconduct of defense counsel to***
28 ***determine the validity of a conviction or to create substantive or***
29 ***procedural rights that may accrue to the accused, convicted***
30 ***persons or counsel. Failure to adhere to such standards and***
31 ***guidelines does not, in and of itself, constitute ineffective***
32 ***assistance of counsel, and this paragraph must not be construed to***
33 ***overrule, expand or extend, whether directly or by analogy, the***
34 ***prevailing case law for making a determination regarding***
35 ***ineffective assistance of counsel.***

36 ***Sec. 4. As used in this chapter, unless the context otherwise***
37 ***requires, the words and terms defined in sections 5 to 8, inclusive,***
38 ***of this act have the meanings ascribed to them in those sections.***

39 ***Sec. 5. "Chief Counsel" means the Chief Counsel of the***
40 ***Office of Indigent Legal Services appointed pursuant to***
41 ***NRS 180.010.***

42 ***Sec. 6. "Commission" means the Nevada Right to Counsel***
43 ***Commission created by section 9 of this act.***

44 ***Sec. 7. "Indigent defense services" means the provision of***
45 ***legal representation to an indigent person who is charged with a***



1 *public offense or to an indigent child who is alleged to be*
2 *delinquent or in need of supervision pursuant to title 5 of NRS.*

3 **Sec. 8.** *“Office” means the Office of Indigent Legal Services*
4 *created by NRS 180.010.*

5 **Sec. 9.** 1. *The Nevada Right to Counsel Commission,*
6 *consisting of 13 voting members and 1 ex officio nonvoting*
7 *member, is hereby created.*

8 2. *The voting members of the Commission must be appointed*
9 *as follows:*

10 (a) *One member who is a member in good standing of the*
11 *State Bar of Nevada, appointed by the Majority Leader of the*
12 *Senate.*

13 (b) *One member appointed by the Speaker of the Assembly.*

14 (c) *One member who is a retired judge or justice or has*
15 *expertise in juvenile justice, appointed by the Chief Justice of the*
16 *Nevada Supreme Court.*

17 (d) *Two members from among six nominees selected by the*
18 *President of the State Bar of Nevada, three of whom must be*
19 *members in good standing of the State Bar of Nevada who reside*
20 *in a county whose population is less than 100,000, and three of*
21 *whom must be members in good standing of the State Bar of*
22 *Nevada who reside in a county whose population is 100,000 or*
23 *more, appointed by the Governor.*

24 (e) *Two members from among three nominees selected by the*
25 *Nevada Association of Counties who reside in a county whose*
26 *population is less than 100,000, appointed by the Governor.*

27 (f) *Three members from among six nominees selected by the*
28 *Board of County Commissioners of Clark County, appointed by*
29 *the Governor.*

30 (g) *Two members from among four nominees selected by the*
31 *Board of County Commissioners of Washoe County, appointed by*
32 *the Governor.*

33 (h) *One member from among three nominees selected jointly*
34 *by associations of the State Bar of Nevada who represent members*
35 *of racial or ethnic minorities, appointed by the Governor.*

36 3. *The Chief Justice of the Nevada Supreme Court is an ex*
37 *officio, nonvoting member of the Commission.*

38 4. *Each person appointed to the Commission pursuant to*
39 *subsection 2 must have:*

40 (a) *Significant experience in providing legal representation to*
41 *indigent persons who are charged with public offenses or to*
42 *indigent children who are alleged to be delinquent or in need of*
43 *supervision; or*

44 (b) *A demonstrated commitment to providing effective legal*
45 *representation to such persons.*



1 5. *A person must not be appointed to the Commission*
2 *pursuant to subsection 2 if he or she is:*

3 (a) *A current judge, justice or judicial officer;*

4 (b) *A prosecuting attorney or an employee thereof;*

5 (c) *A law enforcement officer or an employee of a law*
6 *enforcement agency; or*

7 (d) *An attorney who may obtain any financial benefit from the*
8 *policies adopted by the Commission.*

9 6. *In addition to the other requirements set forth in this*
10 *section, not more than two persons who are county managers or*
11 *members of a board of county commissioners may be appointed to*
12 *the Commission pursuant to subsection 2.*

13 7. *After the initial terms, each appointed member of the*
14 *Commission serves a term of 4 years, commencing on July 1.*
15 *Each member of the Commission continues in office until a*
16 *successor is appointed. Members may be reappointed for*
17 *additional terms of 4 years in the same manner as the original*
18 *appointments.*

19 8. *Any vacancy occurring in the membership of the*
20 *Commission must be filled in the same manner as the original*
21 *appointment for the remainder of the unexpired term.*

22 9. *Each member of the Commission:*

23 (a) *Serves without compensation; and*

24 (b) *While engaged in the business of the Commission, is*
25 *entitled to receive the per diem allowance and travel expenses*
26 *provided for state officers and employees generally.*

27 10. *Each member of the Commission who is an officer or*
28 *employee of the State or a local government must be relieved from*
29 *his or her duties without loss of his or her regular compensation*
30 *so that the member may prepare for and attend meetings of the*
31 *Commission and perform any work necessary to carry out the*
32 *duties of the Commission in the most timely manner practicable. A*
33 *state agency or local government shall not require an officer or*
34 *employee who is a member of the Commission to make up the time*
35 *the member is absent from work to carry out his or her duties as a*
36 *member, and shall not require the member to take annual*
37 *vacation or compensatory time for the absence.*

38 11. *The Governor may remove a member of the Commission*
39 *for incompetence, neglect of duty, moral turpitude, misfeasance,*
40 *malfeasance or nonfeasance in office or for any other good cause.*

41 12. *A majority of the voting members of the Commission*
42 *constitutes a quorum for the transaction of business at a meeting*
43 *of the Commission. A majority of the voting members of the*
44 *Commission is required for official action of the Commission.*



1 **Sec. 10. 1.** *The Indigent Defense Account is hereby created*
2 *in the State General Fund, to be administered by the Commission.*
3 *Any money that is received by the Commission from any source,*
4 *including, without limitation, money received pursuant to a*
5 *specific statute, tax, legislative appropriation, gift or grant must be*
6 *deposited into the Indigent Defense Account.*

7 2. *Any money remaining in the Account at the end of a fiscal*
8 *year remains in the Account and does not revert to the State*
9 *General Fund.*

10 3. *Money in the Account may only be expended to administer*
11 *the provisions of this chapter.*

12 4. *The interest and income on the money in the Account,*
13 *after deducting any applicable charges, must be credited to the*
14 *Account.*

15 **Sec. 11. 1.** *The Commission may propose minimum*
16 *standards for the provision of indigent defense services to ensure*
17 *that those services are provided in a manner that complies with the*
18 *standards for the effective assistance of counsel established by the*
19 *United States Supreme Court and the appellate courts of this State*
20 *under the Sixth Amendment to the United States Constitution and*
21 *Section 8 of Article 1 of the Nevada Constitution. The standards*
22 *proposed by the Commission may include, without limitation,*
23 *standards ensuring that:*

24 (a) *Defense counsel is provided sufficient time, and a space*
25 *where the confidentiality of the communications between the*
26 *defense counsel and his or her client is safeguarded, for meetings*
27 *with his or her client.*

28 (b) *The ability, training and experience of defense counsel*
29 *matches the nature and complexity of the case to which he or she*
30 *is appointed, except that the Commission may not propose*
31 *standards pursuant to this paragraph concerning the ability,*
32 *training and experience of defense counsel in cases in which the*
33 *death penalty is or may be sought or has been imposed if rules*
34 *adopted by the Supreme Court establish such standards.*

35 (c) *The same defense counsel continuously represents and*
36 *personally appears at every court appearance through the*
37 *pendency of a case, except that a standard proposed pursuant to*
38 *this paragraph must provide an exemption from this requirement*
39 *for ministerial, nonsubstantive tasks and court hearings.*

40 (d) *The collection and reporting of data concerning the*
41 *caseload and workload of defense counsel is uniform.*

42 2. *A standard proposed by the Commission pursuant to this*
43 *section must be submitted to the Supreme Court for approval and*
44 *does not become effective unless the Supreme Court approves the*
45 *standard. Before submitting a proposed standard to the Supreme*



1 *Court, the Commission shall conduct a public meeting on the*
2 *proposed standard. Opposition to a proposed standard that has*
3 *been submitted to the Supreme Court may be submitted to the*
4 *Supreme Court in the manner prescribed by the Court. A standard*
5 *proposed by the Commission pursuant to subsection 1 becomes*
6 *final upon approval by the Supreme Court.*

7 *3. A standard proposed and approved pursuant to this section*
8 *is not a regulation for the purposes of chapter 233B of NRS.*

9 *4. The Commission may issue guidelines for the workload of*
10 *defense counsel to be controlled to permit effective representation.*
11 *Any guideline issued pursuant to this subsection must be based on*
12 *objective criteria derived from the tracking of time spent by*
13 *attorneys on criminal defense matters and that take into account*
14 *jurisdictional variations in practice. The Commission shall provide*
15 *any such guidelines to all counties in this State.*

16 **Sec. 12.** *1. Any county whose population is less than*
17 *100,000 may transfer responsibility for the provision of all*
18 *indigent defense services in the county to the Office. The board of*
19 *county commissioners of a county shall notify the Commission on*
20 *or before December 31 of a calendar year if the county wishes to*
21 *transfer such responsibility to the Office pursuant to this section*
22 *for the fiscal year beginning on July 1 of the following calendar*
23 *year.*

24 *2. If a county transfers responsibility for the provision of all*
25 *indigent defense services in the county to the Office pursuant to*
26 *subsection 1 or section 14 of this act:*

27 *(a) The Commission shall deem the existing system for the*
28 *provision of indigent defense services in the county appropriate*
29 *unless:*

30 *(1) The chief judge of the judicial district and the board of*
31 *county commissioners request that the Commission determine*
32 *another system for the provision of indigent defense services; or*

33 *(2) The Office determines that the existing system does not*
34 *comply with the standards adopted by the Commission pursuant to*
35 *section 11 of this act or, if the transfer of responsibility is made*
36 *pursuant to section 14 of this act, a final determination of*
37 *noncompliance has already been made.*

38 *(b) If the workload of the Office does not allow for five or*
39 *more full-time attorneys and the appropriate number of support*
40 *staff to provide indigent defense services, the Office shall provide*
41 *indigent defense services through any combination of private*
42 *providers of indigent defense services, paid hourly or under*
43 *contract on a case-by-case, county or regional basis.*



1 (c) *The Office shall compile the following information on or*
2 *before January 31 of each year as it pertains to the immediately*
3 *preceding calendar year:*

4 (1) *The name, business address and member number of the*
5 *State Bar of Nevada of all attorneys providing indigent defense*
6 *services.*

7 (2) *The name and job title of all support staff.*

8 (3) *The number of cases assigned to each attorney*
9 *providing indigent defense services, categorized by the following*
10 *case types:*

11 (I) *Delinquency cases;*

12 (II) *Misdemeanor cases;*

13 (III) *Felony cases;*

14 (IV) *Capital offense cases; and*

15 (V) *Cases involving a child in need of services.*

16 (4) *The number of cases completed by each attorney*
17 *providing defense services, categorized by the case types set forth*
18 *in subparagraph (3).*

19 (5) *The number of cases in which a defendant represented*
20 *himself or herself, categorized by the case types set forth in*
21 *subparagraph (3).*

22 (6) *The number of trials in which each attorney providing*
23 *indigent defense services participated, categorized by the case*
24 *types set forth in subparagraph (3).*

25 **Sec. 13.** 1. *Any county whose population is less than*
26 *100,000 may transfer responsibility for the provision of appellate*
27 *indigent defense services in the county to the Office and may*
28 *retain responsibility for the provision of trial-level indigent*
29 *defense services in the county. The board of county commissioners*
30 *of a county shall notify the Commission on or before December 31*
31 *of each calendar year as to whether the county will retain*
32 *responsibility for the provision of trial-level indigent defense*
33 *services in the county during the fiscal year beginning on July 1 of*
34 *the following calendar year.*

35 2. *A county that chooses to retain responsibility for the*
36 *provision of trial-level indigent defense services in the county*
37 *shall:*

38 (a) *Transfer responsibility for the funding and provision of*
39 *appellate indigent defense services to the Commission;*

40 (b) *Fund all trial-level indigent defense services provided in*
41 *the county in accordance with the standards adopted by the*
42 *Commission pursuant to section 11 of this act; and*

43 (c) *Submit an annual report to the Commission on or before*
44 *January 31 of each year that includes the following information*
45 *as it pertains to the immediately preceding calendar year:*



1 (1) *The name, business address and member number of the*
2 *State Bar of Nevada of all attorneys providing indigent defense*
3 *services.*

4 (2) *The name and job title of all support staff.*

5 (3) *The number of cases assigned to each attorney*
6 *providing indigent defense services, categorized by the following*
7 *case types:*

8 (I) *Delinquency cases;*

9 (II) *Misdemeanor cases;*

10 (III) *Felony cases;*

11 (IV) *Capital offense cases; and*

12 (V) *Cases involving a child in need of services.*

13 (4) *The number of cases completed by each attorney*
14 *providing indigent defense services, categorized by the case types*
15 *set forth in subparagraph (3).*

16 (5) *The number of cases in which a defendant represented*
17 *himself or herself, categorized by the case types set forth in*
18 *subparagraph (3).*

19 (6) *The number of trials in which each attorney providing*
20 *indigent defense services participated, categorized by the case*
21 *types set forth in subparagraph (3).*

22 3. *The board of county commissioners of a county that*
23 *chooses to retain responsibility for the provision of trial-level*
24 *indigent defense services in the county pursuant to this section*
25 *shall comply with the provisions of NRS 260.010.*

26 **Sec. 14. 1.** *The Office shall engage independent expertise*
27 *to conduct periodic evaluations of the indigent defense services*
28 *provided in any county that has retained responsibility for the*
29 *provision of all or trial-level indigent defense services in the*
30 *county to determine whether such indigent defense services*
31 *comply with the standards adopted by the Commission pursuant to*
32 *section 11 of this act. Each such county shall cooperate fully with*
33 *such an evaluation.*

34 2. *After an evaluation is conducted pursuant to subsection 1,*
35 *if a county whose provision of indigent defense services is found*
36 *not to be in compliance with the standards adopted by the*
37 *Commission pursuant to section 11 of this act, the Office shall*
38 *notify the county of such noncompliance in writing and provide*
39 *the county with a period of 9 months from the date of notification*
40 *to remedy such noncompliance. The Office shall provide the*
41 *county with any technical assistance necessary to bring the*
42 *provision of indigent defense services in the county into*
43 *compliance with the standards adopted by the Commission*
44 *pursuant to section 11 of this act.*



1 3. *After the expiration of the 9-month period provided in*
2 *subsection 2, if the Office determines that the county is still not in*
3 *compliance with the standards adopted by the Commission*
4 *pursuant to section 11 of this act, the county may petition the*
5 *Supreme Court, under rules established by the court, to appeal the*
6 *determination of noncompliance. If:*

7 (a) *The court determines that the county is in compliance with*
8 *the standards adopted by the Commission, the county may*
9 *continue to provide the applicable indigent defense services in the*
10 *county.*

11 (b) *The county does not petition the court or the court*
12 *determines that the county is not in compliance with the standards*
13 *adopted by the Commission, the county shall transfer the*
14 *responsibility for the provision of indigent defense services in the*
15 *county to the Office. The Office shall assume such responsibility*
16 *on July 1 of the next fiscal year.*

17 **Sec. 15. 1.** *A county that transfers responsibility for the*
18 *provision of some or all indigent defense services in the county*
19 *pursuant to section 12, 13 or 14 of this act shall pay to the*
20 *Commission on an annual basis the average annual amount paid*
21 *by the county to provide indigent defense services during the 3*
22 *fiscal years immediately preceding the fiscal year for which the*
23 *Office assumes responsibility for the provision of indigent defense*
24 *services in the county. In calculating the amount a county is*
25 *required to pay, any extraordinary costs accrued during such a*
26 *period that were associated with the legal representation of*
27 *indigent criminal defendants charged with capital offenses must*
28 *not be included.*

29 2. *A county shall pay the amount set forth in subsection 1 to*
30 *the Commission on or before July 15 of the fiscal year for which*
31 *the Office assumes responsibility for the provision of indigent*
32 *defense services in the county and on or before July 1 of each year*
33 *thereafter.*

34 **Sec. 16. 1.** *The Commission may authorize the Chief*
35 *Counsel to employ the following:*

- 36 (a) *A Deputy Chief Counsel;*
37 (b) *A Director of Appellate Counsel Services;*
38 (c) *A Director of Private Counsel Services;*
39 (d) *A Director of Training;*
40 (e) *A Deputy Director of Training;*
41 (f) *An Information Technology Officer;*
42 (g) *A Budget Director;*
43 (h) *A Director of Juvenile Justice Standards Compliance;*
44 (i) *A Director of Adult Justice Standards Compliance; and*
45 (j) *A Director of Policy, Data and Research.*



1 2. *The Commission may, within the limits of available money,*
2 *employ such other persons as the Commission deems necessary to*
3 *perform the duties of the Commission and the Office, including,*
4 *without limitation, attorneys, social workers and clerical and*
5 *investigative staff.*

6 3. *Each attorney employed in the Office must be an attorney*
7 *licensed to practice law in the State of Nevada, and shall not*
8 *engage in the practice of law, except in performing the duties of*
9 *office and as otherwise provided in NRS 7.065.*

10 **Sec. 17.** NRS 180.010 is hereby amended to read as follows:

11 180.010 1. The Office of ~~{State Public Defender}~~ ***Indigent***
12 ***Legal Services*** is hereby created. ~~{within the Department of Health~~
13 ~~and Human Services.}~~ ***The head of the Office is the Commission.***

14 2. The ~~{Governor}~~ ***Commission*** shall appoint the ~~{State Public~~
15 ~~Defender}~~ ***Chief Counsel of the Office*** for a term of 4 years, and
16 until a successor is appointed and qualified. ***The Chief Counsel is***
17 ***the chief administrative officer of the Office and is responsible to***
18 ***the Commission.***

19 3. The ~~{State Public Defender.}~~ ***Chief Counsel:***

20 (a) Must be an attorney licensed to practice law in the State of
21 Nevada.

22 (b) Is in the unclassified service of the State.

23 (c) Except as otherwise provided in NRS 7.065, shall not engage
24 in the private practice of law.

25 4. ~~{No officer or agency of the State, other than the Governor~~
26 ~~and the Director of the Department of Health and Human Services,~~
27 ~~may}~~ ***The Commission shall*** supervise the ~~{State Public Defender.}~~
28 ***Chief Counsel.*** No officer or agency of the State, other than the
29 ~~{Governor,}~~ ***Commission,*** may assign the ~~{State Public Defender}~~
30 ***Chief Counsel*** duties in addition to those prescribed by this chapter.

31 **Sec. 18.** NRS 180.040 is hereby amended to read as follows:

32 180.040 1. The ***Commission and the*** Office ~~{of the State~~
33 ~~Public Defender shall}~~ ***must*** be in Carson City, Nevada, and the
34 Buildings and Grounds Section of the State Public Works Division of
35 the Department of Administration shall provide necessary office
36 space ~~{}~~ ***for the Commission and the Office.***

37 2. ~~{The State Public Defender}~~ ***With the approval of the***
38 ***Commission, the Chief Counsel*** may establish branch offices
39 necessary to perform the ~~{State Public Defender's}~~ duties ~~{}~~ ***of the***
40 ***Chief Counsel.*** The ~~{State Public Defender}~~ ***Commission*** shall
41 designate a ~~{deputy state public defender}~~ ***lead attorney*** to supervise
42 each such office.

43 **Sec. 19.** NRS 180.050 is hereby amended to read as follows:

44 180.050 1. ~~{The State Public Defender}~~ ***With the approval of***
45 ***the Commission, the Office*** may contract with attorneys licensed to



1 practice law in the State of Nevada and with county public
2 defenders to provide *the services of a public defender* required by
3 this chapter if ~~fit is impracticable for the State Public Defender or~~
4 ~~the State Public Defender's deputies to provide such services for~~
5 ~~any reason.~~ *deemed appropriate by the Commission.*

6 2. All such contract services ~~shall~~ *must* be performed under
7 the supervision and control of the ~~State Public Defender.~~ *Chief*
8 *Counsel.*

9 **Sec. 20.** NRS 180.060 is hereby amended to read as follows:

10 180.060 1. The ~~State Public Defender.~~ *Chief Counsel* may,
11 before being designated as counsel for that person pursuant to NRS
12 171.188, interview an indigent person when the indigent person has
13 been arrested and confined for a public offense or for questioning on
14 suspicion of having committed a public offense.

15 2. The ~~State Public Defender.~~ *Chief Counsel* shall, when
16 designated pursuant to NRS 62D.030, 62D.100, 171.188 or
17 432B.420, and within the limits of available money, represent
18 without charge each indigent person for whom the ~~State Public~~
19 ~~Defender.~~ *Chief Counsel* is appointed.

20 3. When representing an indigent person, the ~~State Public~~
21 ~~Defender.~~ *Chief Counsel* shall:

22 (a) Counsel and defend the indigent person at every stage of the
23 proceedings, including revocation of probation or parole; and

24 (b) Prosecute any appeals or other remedies before or after
25 conviction that the ~~State Public Defender.~~ *Chief Counsel* considers
26 to be in the interests of justice.

27 4. In cases of postconviction proceedings and appeals arising in
28 counties in which the office of public defender has been created
29 pursuant to the provisions of chapter 260 of NRS, where the matter
30 is to be presented to the appellate court of competent jurisdiction
31 pursuant to the rules fixed by the Supreme Court pursuant to Section
32 4 of Article 6 of the Nevada Constitution, the ~~State Public~~
33 ~~Defender.~~ *Chief Counsel* shall prepare and present the case and the
34 public defender of the county shall assist and cooperate with the
35 ~~State Public Defender.~~ *Chief Counsel.*

36 5. The ~~State Public Defender.~~ *Chief Counsel* may contract
37 with any county in which the office of public defender has been
38 created to provide representation for indigent persons when the
39 court, for cause, disqualifies the county public defender or when the
40 county public defender is otherwise unable to provide
41 representation.

42 **Sec. 21.** NRS 180.080 is hereby amended to read as follows:

43 180.080 ~~+~~ The ~~State Public Defender.~~ *Chief Counsel*
44 shall submit:



1 ~~{(a)}~~ 1. A report on or before December 1 of each year to the
2 ~~{Governor}~~ *Commission* and to each ~~{participating}~~ county
3 containing a statement of:

4 ~~{(1)}~~ (a) The number of cases that are pending in each
5 ~~{participating}~~ county;

6 ~~{(2)}~~ (b) The number of cases in each ~~{participating}~~ county
7 that were closed in the previous fiscal year;

8 ~~{(3)}~~ (c) The total number of criminal defendants
9 represented in each ~~{participating}~~ county with separate categories
10 specifying the crimes charged and whether the defendant was less
11 than 18 years of age or an adult;

12 ~~{(4)}~~ (d) The total number of working hours spent by the
13 ~~{State Public Defender and the State Public Defender's}~~ staff *of the*
14 *Office* on work for each ~~{participating}~~ county; and

15 ~~{(5)}~~ (e) The amount and categories of the expenditures
16 made by the ~~{State Public Defender's office}~~.

17 ~~—(b) To each participating county, on}~~ *Office.*

18 2. *On* or before December 1 of each even-numbered year, the
19 total proposed budget of the ~~{State Public Defender}~~ *Office* for that
20 county, including the projected number of cases and the projected
21 cost of services attributed to the county for the next biennium.

22 ~~{(e)}~~ 3. Such reports to the Legislative Commission as the
23 regulations of the Commission require.

24 ~~{2.—As used in this section, “participating county” means each~~
25 ~~county in which the office of public defender has not been created~~
26 ~~pursuant to NRS 260.010.}~~

27 **Sec. 22.** NRS 180.090 is hereby amended to read as follows:

28 180.090 Except as *otherwise* provided in ~~{subsections 4 and 5~~
29 ~~of NRS 180.060,}~~ *this chapter*, the provisions of this chapter apply
30 only to counties in which the office of public defender has not been
31 created pursuant to the provisions of chapter 260 of NRS.

32 **Sec. 23.** NRS 7.155 is hereby amended to read as follows:

33 7.155 The compensation and expenses of an attorney appointed
34 to represent a defendant must be paid from the county treasury
35 unless the proceedings are based upon a postconviction petition for
36 habeas corpus, in which case the compensation and expenses must
37 be paid from money appropriated to the Office of ~~{State Public~~
38 ~~Defender,}~~ *Indigent Legal Services*, but after the appropriation for
39 such expenses is exhausted, money must be allocated to the Office
40 of ~~{State Public Defender}~~ *Indigent Legal Services* from the reserve
41 for statutory contingency account for the payment of such
42 compensation and expenses.

43 **Sec. 24.** NRS 7.165 is hereby amended to read as follows:

44 7.165 If at any time after the appointment of an attorney or
45 attorneys the magistrate or the district court finds that money is



1 available for payment from or on behalf of the defendant so that the
2 defendant is financially able to obtain private counsel or to make
3 partial payment for such representation, the magistrate or the district
4 court may:

- 5 1. Terminate the appointment of such attorney or attorneys; or
- 6 2. Direct that such money be paid to:

7 (a) The appointed attorney or attorneys, in which event any
8 compensation provided for in NRS 7.125 shall be reduced by the
9 amount of the money so paid, and no such attorney may otherwise
10 request or accept any payment or promise of payment for
11 representing such defendant; or

12 (b) The clerk of the district court for deposit in the county
13 treasury, if all of the compensation and expenses in connection with
14 the representation of such defendant were paid from the county
15 treasury, and remittance to the Office of ~~{State Public Defender,}~~
16 *Indigent Legal Services*, if such compensation and expenses were
17 paid partly from moneys appropriated to the Office of ~~{State Public~~
18 ~~Defender}~~ *Indigent Legal Services* and the money received exceeds
19 the amount of compensation and expenses paid from the county
20 treasury.

21 **Sec. 25.** NRS 34.750 is hereby amended to read as follows:

22 34.750 1. A petition may allege that the petitioner is unable
23 to pay the costs of the proceedings or to employ counsel. If the court
24 is satisfied that the allegation of indigency is true and the petition
25 is not dismissed summarily, the court may appoint counsel to represent
26 the petitioner. In making its determination, the court may consider,
27 among other things, the severity of the consequences facing the
28 petitioner and whether:

- 29 (a) The issues presented are difficult;
- 30 (b) The petitioner is unable to comprehend the proceedings; or
- 31 (c) Counsel is necessary to proceed with discovery.

32 2. If the court determines that the petitioner is unable to pay all
33 necessary costs and expenses incident to the proceedings of the trial
34 court and the reviewing court, including court costs, stenographic
35 services, printing and reasonable compensation for legal services, all
36 costs must be paid from money appropriated to the ~~{office}~~ *Office* of
37 ~~{the State Public Defender}~~ *Indigent Legal Services* for that
38 purpose. After appropriations for that purpose are exhausted, money
39 must be allocated to the ~~{office}~~ *Office* of ~~{the State Public~~
40 ~~Defender}~~ *Indigent Legal Services* from the Reserve for Statutory
41 Contingency Account for the payment of the costs, expenses and
42 compensation.

43 3. After appointment by the court, counsel for the petitioner
44 may file and serve supplemental pleadings, exhibits, transcripts and
45 documents within 30 days after:



1 (a) The date the court orders the filing of an answer and a return;
2 or

3 (b) The date of counsel's appointment,
4 ↪ whichever is later. If it has not previously been filed, the answer
5 by the respondent must be filed within 15 days after receipt of the
6 supplemental pleadings and include any response to the
7 supplemental pleadings.

8 4. The petitioner shall respond within 15 days after service to a
9 motion by the State to dismiss the action.

10 5. No further pleadings may be filed except as ordered by the
11 court.

12 **Sec. 26.** NRS 218D.955 is hereby amended to read as follows:

13 218D.955 1. The Secretary of State shall, within 3 days after
14 receiving them, furnish to the State Printer a copy of all acts,
15 resolutions and memorials passed at each regular or special session.

16 2. The Director shall:

17 (a) Distribute one copy of each act as printed to each county
18 clerk, district judge, district attorney and justice of the peace in the
19 State.

20 (b) Immediately upon the adjournment of the regular or special
21 session, collect and have printed and bound advance sheets of all
22 acts, resolutions and memorials passed at the regular or special
23 session.

24 (c) Distribute one copy of the advance sheets, without charge, to
25 each justice of the Supreme Court, to each judge of the Court of
26 Appeals, the Attorney General, the ~~State Public Defender,~~ *Chief*
27 *Counsel of the Office of Indigent Legal Services* and to each
28 county clerk, district judge, district attorney, county public defender,
29 justice of the peace, city attorney and municipal judge in the State,
30 deliver to the Supreme Court Law Library a number of copies
31 appropriate to secure the exchange of similar publications from
32 other states, and establish the price at which the advance sheets must
33 be sold to other persons.

34 3. The Legislative Counsel shall, immediately upon the
35 adjournment of the regular or special session, prepare statutory
36 tables and an index of all acts, resolutions and memorials passed at
37 the regular or special session.

38 4. The State Printer, upon receipt of the statutory tables and
39 index, shall prepare bound volumes of the Statutes of Nevada as
40 provided in NRS 218D.960.

41 **Sec. 27.** NRS 232.320 is hereby amended to read as follows:

42 232.320 1. The Director:

43 (a) Shall appoint, with the consent of the Governor,
44 administrators of the divisions of the Department, who are
45 respectively designated as follows:



1 (1) The Administrator of the Aging and Disability Services
2 Division;

3 (2) The Administrator of the Division of Welfare and
4 Supportive Services;

5 (3) The Administrator of the Division of Child and Family
6 Services;

7 (4) The Administrator of the Division of Health Care
8 Financing and Policy; and

9 (5) The Administrator of the Division of Public and
10 Behavioral Health.

11 (b) Shall administer, through the divisions of the Department,
12 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
13 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
14 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive,
15 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626,
16 inclusive, 444.002 to 444.430, inclusive, and 445A.010 to
17 445A.055, inclusive, and all other provisions of law relating to the
18 functions of the divisions of the Department, but is not responsible
19 for the clinical activities of the Division of Public and Behavioral
20 Health or the professional line activities of the other divisions.

21 (c) Shall administer any state program for persons with
22 developmental disabilities established pursuant to the
23 Developmental Disabilities Assistance and Bill of Rights Act of
24 2000, 42 U.S.C. §§ 15001 et seq.

25 (d) Shall, after considering advice from agencies of local
26 governments and nonprofit organizations which provide social
27 services, adopt a master plan for the provision of human services in
28 this State. The Director shall revise the plan biennially and deliver a
29 copy of the plan to the Governor and the Legislature at the
30 beginning of each regular session. The plan must:

31 (1) Identify and assess the plans and programs of the
32 Department for the provision of human services, and any
33 duplication of those services by federal, state and local agencies;

34 (2) Set forth priorities for the provision of those services;

35 (3) Provide for communication and the coordination of those
36 services among nonprofit organizations, agencies of local
37 government, the State and the Federal Government;

38 (4) Identify the sources of funding for services provided by
39 the Department and the allocation of that funding;

40 (5) Set forth sufficient information to assist the Department
41 in providing those services and in the planning and budgeting for the
42 future provision of those services; and

43 (6) Contain any other information necessary for the
44 Department to communicate effectively with the Federal
45 Government concerning demographic trends, formulas for the



1 distribution of federal money and any need for the modification of
2 programs administered by the Department.

3 (e) May, by regulation, require nonprofit organizations and state
4 and local governmental agencies to provide information regarding
5 the programs of those organizations and agencies, excluding
6 detailed information relating to their budgets and payrolls, which the
7 Director deems necessary for the performance of the duties imposed
8 upon him or her pursuant to this section.

9 (f) Has such other powers and duties as are provided by law.

10 2. Notwithstanding any other provision of law, the Director, or
11 the Director's designee, is responsible for appointing and removing
12 subordinate officers and employees of the Department. ~~¶, other than
13 the State Public Defender of the Office of State Public Defender
14 who is appointed pursuant to NRS 180.010.~~

15 **Sec. 28.** NRS 260.010 is hereby amended to read as follows:

16 260.010 1. In counties whose population is 100,000 or more,
17 the boards of county commissioners shall create by ordinance the
18 office of public defender.

19 2. ~~¶Except as otherwise provided by subsection 4, in~~ *In*
20 counties whose population is less than 100,000, boards of county
21 commissioners may in their respective counties create by ordinance,
22 at the beginning of a fiscal year, the office of public defender ~~¶~~ ,
23 *unless the provision of all indigent defense services in the county*
24 *for that fiscal year is transferred to the Office of Indigent Legal*
25 *Services pursuant to section 12 or 14 of this act.*

26 3. ~~¶Except as otherwise provided in subsection 4, if a board of~~
27 ~~county commissioners intends to create the office of county public~~
28 ~~defender, the board shall notify the State Public Defender in writing~~
29 ~~on or before March 1 of any odd-numbered year and the office may~~
30 ~~not be created before July 1 of the same year in which the notice~~
31 ~~was given.~~

32 ~~—4— If the county contribution approved by the Legislature~~
33 ~~exceeds the estimate provided to the county on December 1 by more~~
34 ~~than 10 percent for either year of the biennium, the board of county~~
35 ~~commissioners may create the office of county public defender on~~
36 ~~July 1 of the next even-numbered year if the board notifies the State~~
37 ~~Public Defender on or before March 1 of the same year in which the~~
38 ~~office is to be created.~~

39 ~~—5—~~ The office of public defender when created must be filled
40 by appointment by the board of county commissioners.

41 ~~¶6—~~ 4. The public defender ~~¶serves at the pleasure of~~ *may be*
42 *removed by* the board of county commissioners ~~¶~~ *for misconduct*
43 *in office, incompetence, misfeasance, malfeasance or*
44 *nonfeasance.*



1 **5. Not later than 30 days after the appointment or removal of**
2 **a public defender, the board of county commissioners shall submit**
3 **to the Nevada Right to Counsel Commission created by section 9**
4 **of this act a report of the procedures used by the board to ensure**
5 **that the appointment or removal of the public defender, as**
6 **applicable, was not the result of undue political and judicial**
7 **interference.**

8 **Sec. 29.** NRS 260.040 is hereby amended to read as follows:

9 260.040 1. The compensation of the public defender must be
10 fixed by the board of county commissioners. ~~The public defender~~
11 ~~of any two or more counties must be compensated and be permitted~~
12 ~~private civil practice of the law as determined by the boards of~~
13 ~~county commissioners of those counties, subject to the provisions of~~
14 ~~subsection 4 of this section and NRS 7.065.]~~

15 2. The public defender may appoint as many deputies or
16 assistant attorneys, clerks, investigators, stenographers and other
17 employees as the public defender considers necessary to enable him
18 or her to carry out his or her responsibilities, with the approval of
19 the board of county commissioners. An assistant attorney must be a
20 qualified attorney licensed to practice in this State and may be
21 placed on a part-time or full-time basis. The appointment of a
22 deputy, assistant attorney or other employee pursuant to this
23 subsection must not be construed to confer upon that deputy,
24 assistant attorney or other employee policymaking authority for the
25 office of the public defender or the county ~~for counties~~ by which
26 the deputy, assistant attorney or other employee is employed.

27 3. The compensation of persons appointed under subsection 2
28 must be fixed by the board of county commissioners of the county
29 ~~for counties~~ so served.

30 4. The ~~public defender and his or her deputies and assistant~~
31 ~~attorneys in a county whose population is less than 100,000 may~~
32 ~~engage in the private practice of law. Except as otherwise provided~~
33 ~~in this subsection, in any other county, the~~ public defender and his
34 or her deputies and assistant attorneys shall not engage in the private
35 practice of law except as otherwise provided in NRS 7.065. An
36 attorney appointed to defend a person for a limited duration with
37 limited jurisdiction may engage in private practice which does not
38 present a conflict with his or her appointment.

39 5. The board of county commissioners shall provide office
40 space, furniture, equipment and supplies for the use of the public
41 defender suitable for the conduct of the business of his or her office.
42 However, the board of county commissioners may provide for an
43 allowance in place of facilities. Each of those items is a charge
44 against the county in which public defender services are rendered.
45 ~~If the public defender serves more than one county, expenses that~~



1 ~~are properly allocable to the business of more than one of those~~
2 ~~counties must be prorated among the counties concerned.]~~

3 6. In a county whose population is 700,000 or more, deputies
4 are governed by the merit personnel system of the county.

5 **Sec. 30.** NRS 260.065 is hereby amended to read as follows:

6 260.065 Any county in which the office of public defender has
7 been created may contract for the services of the ~~{State Public~~
8 ~~Defender}~~ *Office of Indigent Legal Services* in providing
9 representation for indigent persons when the court, for cause,
10 disqualifies the county public defender or when the county public
11 defender is otherwise unable to provide representation.

12 **Sec. 31.** NRS 284.140 is hereby amended to read as follows:

13 284.140 The unclassified service of the State consists of the
14 following state officers or employees in the Executive Department
15 of the State Government who receive annual salaries for their
16 services:

17 1. Members of boards and commissions, and heads of
18 departments, agencies and institutions required by law to be
19 appointed.

20 2. Except as otherwise provided in NRS 223.085, 223.570 and
21 223.600, all persons required by law to be appointed by the
22 Governor or heads of departments or agencies appointed by the
23 Governor or by boards.

24 3. All employees other than clerical in the Office of the
25 Attorney General and the ~~{State Public Defender}~~ *Office of Indigent*
26 *Legal Services* required by law to be appointed by the Attorney
27 General or the ~~{State Public Defender}~~ *Chief Counsel of the Office*
28 *of Indigent Legal Services*.

29 4. Except as otherwise provided by the Board of Regents of the
30 University of Nevada pursuant to NRS 396.251, officers and
31 members of the teaching staff and the staffs of the Agricultural
32 Extension Department and Experiment Station of the Nevada
33 System of Higher Education, or any other state institution of
34 learning, and student employees of these institutions. Custodial,
35 clerical or maintenance employees of these institutions are in the
36 classified service. The Board of Regents of the University of
37 Nevada shall assist the Administrator in carrying out the provisions
38 of this chapter applicable to the Nevada System of Higher
39 Education.

40 5. All other officers and employees authorized by law to be
41 employed in the unclassified service.

42 **Sec. 32.** As soon as practicable after July 1, 2017, the
43 Governor, the Majority Leader of the Senate, the Speaker of the
44 Assembly and the Chief Justice of the Supreme Court, as applicable,



1 shall appoint the members of the Nevada Right to Counsel
2 Commission created pursuant to section 9 of this act as follows:

3 1. Members appointed pursuant to paragraphs (a) to (d),
4 inclusive, of subsection 2 of section 9 of this act must be appointed
5 to terms that expire on June 30, 2023.

6 2. Members appointed pursuant to paragraphs (e) and (f) of
7 subsection 2 of section 9 of this act must be appointed to terms that
8 expire on June 30, 2022.

9 3. Members appointed pursuant to paragraphs (g) and (h) of
10 subsection 2 of section 9 of this act must be appointed to terms that
11 expire on June 30, 2021.

12 **Sec. 33.** The provisions of NRS 354.599 do not apply to any
13 additional expenses of a local government that are related to the
14 provisions of this act.

15 **Sec. 34.** NRS 180.030, 180.110 and 260.020 are hereby
16 repealed.

17 **Sec. 35.** This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

180.030 Employment of deputies and other employees; qualifications of deputies.

1. The State Public Defender may employ:

(a) Deputy state public defenders in the unclassified service of the State.

(b) Clerical, investigative and other necessary staff in the classified service of the State.

2. Each deputy state public defender must be an attorney licensed to practice law in the State of Nevada, and shall not engage in the practice of law, except in performing the duties of office and as otherwise provided in NRS 7.065.

180.110 Collection of charges to counties for services.

1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender's services during that year.

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:



(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

↳ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the State Public Defender's approved budget.

260.020 Joint action to establish office. A county may join with one or more other counties to establish one office of public defender to serve those counties.



