

Misdemeanor Administrative Assessments – A Brief History



John McCormick

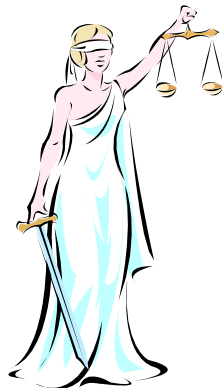
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Before Administrative Assessments

- As a result of the Omnibus Crime Control and Safe Streets Act of 1968, the Law Enforcement Assistance Administration (LEAA) was created to distribute block grants (1st federal block grant program) to the states to improve their criminal justice systems.
- From the late 1960's to 1982 a significant portion of the costs for criminal justice system, including the courts, in Nevada were funded by these LEAA dollars.



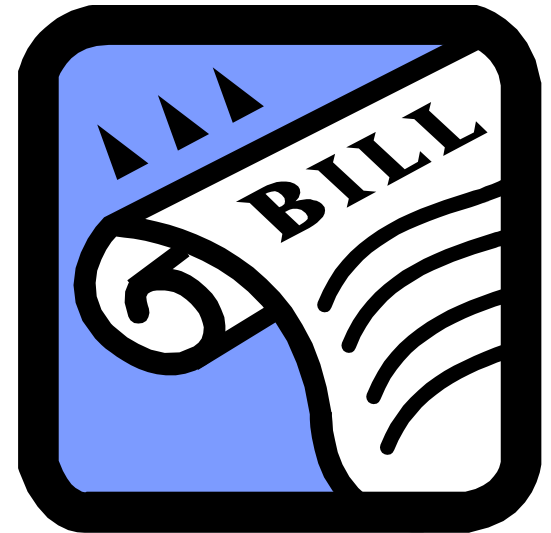
Before Administrative Assessments

- During the early 1980's the U.S. was experiencing a recession, and as a result Congress cut roughly \$40 billion from the 1982 budget. This included the elimination of the LEAA and its grants.
- During the 1983 Session, the Nevada Legislature replaced the LEAA dollars by implementing administrative assessments to fund criminal justice programs; including the courts.



Created in 1983

- AB44 - Legislature authorized a \$10 administrative assessment (AA) on all misdemeanors. NRS 176.059
 - \$1 for city/county juvenile court(s)
 - \$3 for muni/justice court(s)
 - \$5 to Supreme Court/AOC
 - \$2 AOC
 - \$2 USJR
 - \$1 Judicial Ed
 - \$1 for POST



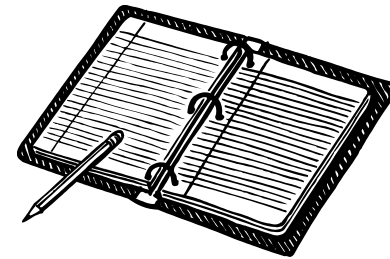
1985

- AB301 - Legislature changed allotment by moving \$1 from local courts to Supreme Court, modifying Supreme Court distribution:
 - \$1 AOC
 - \$1 USJR
 - \$1 Judicial Ed
 - \$3 Supreme Court
- This legislative action was the beginning of funding the Supreme Court's operations with AA funds.



1987

- AB579 - Legislature created an assessment schedule from \$10 to \$100
 - \$1.50 for city/county juvenile court(s)
 - \$2.50 for muni/justice court(s)
 - \$6 Supreme Court
 - \$1 AOC
 - \$1 USJR
 - \$1 Judicial Ed
 - \$3 Supreme Court
 - \$1 POST
 - Remainder of funds collected (up to Leg. Authorization) go to support:
 - Criminal History repository
 - NDI
 - Computerized NHP switching system
 - Victims of Crime Fund



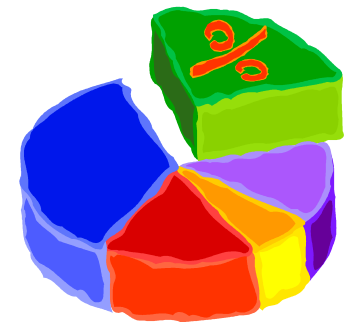
1989

- AB963 - Legislature changed distribution of Supreme Court portion as follows:
 - \$1.50 AOC
 - \$.80 USJR
 - \$.70 Judicial Ed
 - \$3 Supreme Court



1991

- AB395 - Legislature revised distribution from dollar amounts to revenue percentages:
 - 51% to Supreme Court as follows:
 - 18.5% AOC
 - 9% USJR
 - 9% Judicial Ed
 - 60% Supreme Court
 - 3.5% Senior Judge Program
 - 49% to Executive Branch for:
 - Criminal History repository
 - POST
 - Computerized NHP switching system
 - Victims of Crime Fund



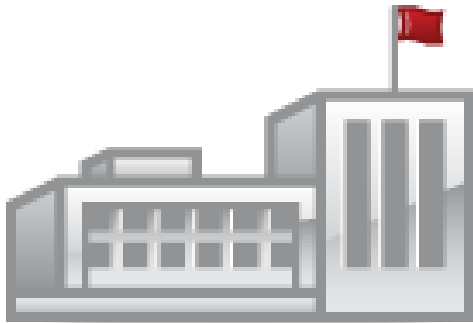
1993

- No non-technical changes were made during the '93 Legislative Session.



1995

- AB364 - NRS 176.0611 authorizing county/city to enact facility fee AA of \$10 for court facilities (AB102). NRS 176.061
- NRS 206.340 imposes a \$250 AA on graffiti crimes to be paid to the State for the 'graffiti reward fund'



1997

- AB425 - Assessment schedules increased by \$5 (\$15 to \$105)
- AB425 - Increased county/city portion:
 - \$2 Juvenile Court(s)
 - \$7 Justice/Muni Court(s)
- Battery-Domestic Violence AA of \$35 to fund programs related to DV (AG's Office)



1999

- No non-technical changes



2001

- SB139 changed the following language in NRS 176.059 and added a new section to Chpt. 2:
 - Removed language relating to legislative authorization regarding Supreme Court's 51%
 - Chapter 2 of NRS is amended with a new section:
 - The Supreme Court may receive AA revenue which exceeds the amount of the legislative authorization, however, those funds supplant any general fund appropriation, and the amount by which the general fund appropriation is replaced must be reverted to the general fund at the end of the fiscal year.

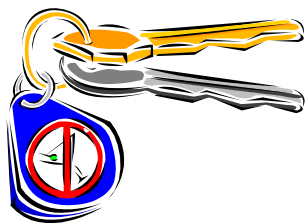
2001 Continued

- ▣ Advisory Council for Prosecuting Attorneys (AG's Office) added to executive branch recipients of AA funds.



2003

- AB29 adds \$7 specialty court AA. NRS 176.0613
- AA schedule increased by \$10 (\$25 to \$115)



Rehabilitation

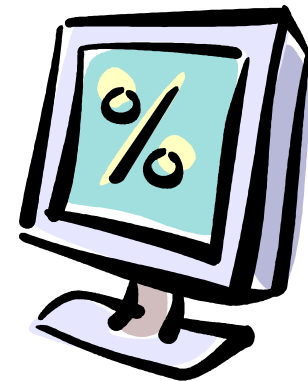
2005

- No changes



2007

- AB30 changed 'NHP computerized switching system' in executive branch uses to 'DPS computerized system for information related to law enforcement.'
- AB625 changed the percentage of judicial branch AAs devoted to the Supreme Court to 48% and applied the other 12% to funding specialty courts.



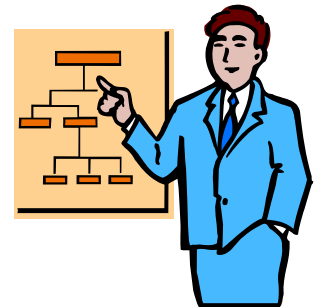
2009

- AB531 changed the AOC portion of Supreme Court 51% to remove the breakdown for AOC accounts statute:
 - 36.5% to AOC to fund:
 - AOC
 - USJR
 - Judicial Ed
- AB531 also added program related to DV in the AG's Office as executive branch recipient, and created requirement that any of the executive branch 49% not legislatively dedicated to one of the permitted uses must be returned to the general fund.



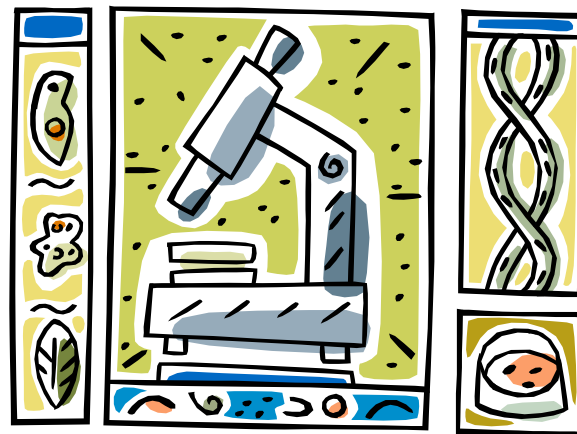
2010 Special Session

- AB6, Section 34 increased the assessment schedule in NRS 176.059 by \$5 (\$30 to \$120) and required that the funds generated by the increase be sent directly to the State general fund:
 - The \$5 follows the \$2 for local juvenile court(s) and the \$7 for local justice/muni court(s) in the distribution hierarchy for AAs.



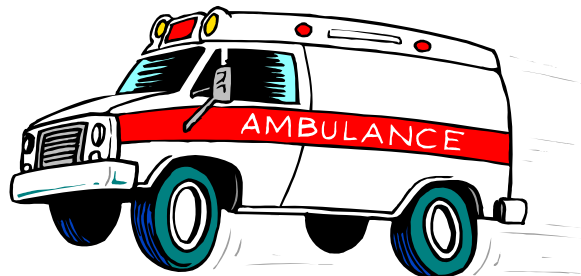
2013

- ❑ \$3 AA added as NRS 176.0623 to fund felony arrestee DNA collecting and testing by SB243 – Briana’s Law.
- ❑ New AA added to collection order after regular AA, court facility AA, and specialty court AA.



Proposed AAs

- ❑ 2005 - \$25 traffic AA to fund emergency medical services and the treatment of trauma
- ❑ 2007 - \$5 traffic moving violation AA in counties under 100,000 population to fund volunteer emergency medical services
- ❑ 2007 - \$25 of every DUI AA that is in executive branch 49% goes to DUI related programs



Proposed AAs, Continued

- 2009 - \$100 AA on reckless driving, driving suspended/revoked, DUI, felony traffic, and traffic violation resulting in death/injury/property damage to go to the State Highway Fund for transportation programs in the jurisdiction in which the violation occurred.



FELONY AND GROSS MISDEMEANOR ADMINISTRATIVE ASSESSMENTS

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Created in 1987

- \$20 administrative assessment (AA) added by SB531 during the 1987 Session. NRS 176.062
- All revenue sent to State Treasurer for the special account for criminal justice assistance.
- Legislature to distribute money in the fund to Attorney General.
- Any money remaining in fund rolls-over.



1991

- \$5 added to AA amount (AB512).
- Additional money goes to a special account for the district court maintained by the county.



1995, 2001, 2003, & 2007

- 1995: guilty but mentally ill in
- 2001: State Treasurer changed to State Controller
- 2003: guilty but mentally ill out
- 2007: guilty but mentally ill back in



2013

- \$3 AA added as NRS 176.0623 to fund felony arrestee DNA collecting and testing by SB243 – Briana’s Law.
- AA applied to all three crime classifications:
 - Misdemeanors
 - Gross Misdemeanors
 - Felonies

