

SB 120 – Indigent Fees

Nick Shepack - Nevada State Director - Fines and Fees Justice Center

Duke Law & FFJC National Study

1 in 3 Americans have been directly impacted by fines or fees related to traffic, criminal, juvenile, or municipal court in the past ten years.

- 98% - report impact on daily life.
- 99% - of parents had to cut back on essentials.
- 51% - had to cut back on two or more essentials.
- 35% - had challenges obtaining food.
- 27% - faced housing hardship.

Payment Plan Fees

Payment Plan Fees

- We received information from 40 Justice and Municipal Courts.
- 4 courts that responded have multiple fees based on amount owed.
- \$0 - 19 Courts
- \$10 - 2 Courts
- \$20 - 1 Court
- \$25 - 10 Courts
- \$45 - 2 Courts
- \$50 - 6 Courts
- \$75 - 1 Court
- \$100 - 2 Courts
- 10% of total owed - 1 Court
- No plan offered - 1 Court

Indigent Defense Fees

Right to Appointed Counsel

- **Gideon v. Wainwright** - 1963 Supreme Court decision in which court ruled council must be provided to indigent defendants.
- **AB70** - 1975 legislative session allows for fees to be charged for use of public defender in Nevada.
 - Concern that system was being abused by those who could afford private council.
 - Not currently working as intended.

Location, Location, Location

No Defender fees charged in 2023:

- 10 Justice and Municipal Courts in Clark and Washoe.
- 10 rural counties.

Charged Defender fees in 2023:

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

Disparities Within Individual Courts

Clark County District Court:

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

Sparks Municipal Court:

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

Collection of Defender Fees

Clark County District Court:

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

Washoe County District Court

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

Collections under \$10,000 in 2023:

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

Additional Issues

High Likelihood of Double Dipping:

- Due to collection and reporting practices it is likely that counties that are part of the maximum contribution formula have received money from both defendants and the state for defense.

Interferes with restitution:

- Indigent defense fees often get assessed as restitution for incarcerated individuals.

Thank You

Questions?

Nick Shepack - Nevada State Director FFJC - Nshepack@finesandfeesjusticecenter.org