

SB120

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Section 1. Chapter 1 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Notwithstanding any other provision of law or court rule, if a court imposes a fine, administrative assessment, fee or other monetary penalty upon a person, the court shall:~~

~~(a) Before collecting any such fine, administrative assessment, fee or other monetary penalty, notify the person that the person may enter into a payment plan with the court to pay the fine, administrative assessment, fee or other monetary penalty in monthly payments; and~~

~~(b) Upon request of the person, allow the person to enter into a payment plan with the court to pay all or any part of the fine, administrative assessment, fee or other monetary penalty.~~

~~2. If a person who requests to enter into a payment plan pursuant to subsection 1 is a party in any other case pending within the jurisdiction or was a party in a previously decided case within the jurisdiction in which a fine, administrative assessment, fee or other monetary penalty was imposed against the person, the court shall create a unified payment plan that incorporates the total amount due for all cases combined.~~

~~3. A payment plan entered into pursuant to subsection 1 or 2 must include, without limitation, a payment schedule that specifies the:~~

~~(a) Total amount due;~~

~~(b) Amount of each monthly payment, which must not exceed percent of the gross monthly income of the person or \$10, whichever is greater; and~~

~~28 (c) Date on which each payment is due.~~

4. A payment plan entered into by a defendant in a Nevada court pursuant to subsection 1 or 2

must not:

(a) Include any interest or fees in addition to the fine, administrative assessment, fee or other monetary penalty imposed on the person by the court; or

~~(b) Require a person sentenced to a term of imprisonment in a county or city jail or in the state prison to make any payment until~~

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~~at least 6 months after the date on which person is released from custody.~~

~~5. If a person with whom the court enters into a payment plan~~

~~pursuant to subsection 1 or 2 timely submits at least 12 payments within 15 months after making the initial payment required by the payment plan, the court shall discharge the unpaid balance of any fine, administrative assessment, fee or other monetary penalty included under the terms of the payment plan.~~

~~6. If a person with whom the court enters into a payment plan pursuant to subsection 1 or 2 fails to make a payment on or before the date specified pursuant to paragraph (c) of subsection 3, the court shall, as soon as practicable after the due date of the missed payment, notify the person in writing of the default. Such notice must include, without limitation, information concerning the process by which a person may petition the court to reduce the fine, administrative assessment, fee or other monetary penalty or revise the payment schedule.~~

~~7. If a person defaults under a payment plan, the court:~~

~~(a) May, on its own motion or upon petition:~~

~~(1) Reduce the fine, administrative assessment, fee or other monetary penalty if the court determines that the fine, administrative assessment, fee or other monetary penalty is excessive in relation to the financial resources of the person;~~

~~(2) Revise the payment plan if the court determines that the monthly payments specified in the payment schedule are not within the present financial ability of the person; or~~

~~(3) In lieu of all or a part of any fine, administrative assessment, fee or other monetary penalty, order the person to perform community service.~~

~~(b) Shall not:~~

~~(1) Accelerate the payment schedule specified in the payment plan;~~

~~(2) Except as otherwise provided in subparagraph (3), impose any charges for late payment or costs for collecting a past due payment; or~~

~~(3) Contract with a collection agency to collect any delinquent amount owed unless the court determines that the person has the ability to pay the amount due and is willfully avoiding payment.~~

8. A court may adopt any rules and procedures necessary to implement the provisions of this section.

9. The provisions of this section do not apply to any amount of money owed by a person for restitution.

thereto a new section to read as follows:

A court shall not order a defendant for whom an attorney is appointed at public expense on account of indigency to pay any part of the expenses incurred by the county, city or State in providing the defendant with an attorney.

Sec. 3., Sec 4. & Sec 5. No changes.