



Nevada Department of Indigent Defense Services Proposed Bill Draft Requests – List A May 2020

[NRS 7._____ Definition “Appointment.”] Appointment is defined as the court function of making the determination of an individual's eligibility for the services of defense counsel.]

[NRS 7._____ Definition “Selection.”] Selection is defined as a function of either:

1. in counties with a population less than 100,000, (the Department / the plan for the provision of indigent defense services), or
2. in counties with a population more than 100,000, the plan for the provision of indigent defense services,

to choose the defense counsel that will provide the representational services.]

NRS 7.115 Appointment of attorney other than public defender prohibited unless public defender disqualified. *[Selection of defense counsel when the public defender is disqualified.]* A magistrate, master or a district court shall not appoint an attorney other than a public defender to represent a person charged with any offense or delinquent act by petition, indictment or information unless the magistrate, master or district court makes a finding, entered into the record of the case, that the public defender is disqualified from furnishing the representation and sets forth the reason or reasons for the disqualification. *[If the public defender is disqualified due to a conflict, the court shall, after making a finding on the record of the conflict and the reasons for the conflict, the court shall refer the selection of new defense counsel:]*

1. in counties with a population less than 100,000, (to the Department /in compliance with the plan for the provision of indigent defense services).
2. in counties with a population more than 100,000, in compliance with the county's plan for the provision of indigent defense services.]

NRS 7.125 Fees of appointed attorney [selected defense counsel] other than public defender.

1. ~~Except as limited by subsections 2, 3 and 4, an attorney~~ [Defense counsel], other than a public defender, who is ~~appointed~~ [selected, in counties with a population less than 100,000, (by the Department / in compliance with the plan for the provision of indigent defense services) or in counties whose population is more than 100,000 in compliance with the county's plan for the provision of indigent defense services,] ~~by a magistrate or a district court~~ to represent or defend a defendant at any stage of the criminal proceedings from the defendant's initial appearance before the magistrate or the district court through the appeal, if any, is entitled to receive a fee for court appearances and other time reasonably spent on the matter to which the ~~appointment~~ [selection] is made of \$125 per hour in cases in which the death penalty is sought and \$100 per hour in all other cases. Except for cases in which the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, this subsection does not preclude a governmental entity from contracting with a private attorney who agrees to provide such services for a lesser rate of compensation.



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~~2. Except as otherwise provided in subsection 4, the total fee for each attorney in any matter regardless of the number of offenses charged or ancillary matters pursued must not exceed:~~

(a) If the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, \$20,000;

(b) If the most serious crime is a felony other than a felony included in paragraph (a) or is a gross misdemeanor, \$2,500;

(c) If the most serious crime is a misdemeanor, \$750;

(d) For an appeal of one or more misdemeanor convictions, \$750; or

(e) For an appeal of one or more gross misdemeanor or felony convictions, \$2,500.

~~3. Except as otherwise provided in subsection 4, an attorney appointed by a district court to represent an indigent petitioner for a writ of habeas corpus or other postconviction relief, if the petitioner is imprisoned pursuant to a judgment of conviction of a gross misdemeanor or felony, is entitled to be paid a fee not to exceed \$750.~~

~~4. If the appointing court because of:~~

(a) The complexity of a case or the number of its factual or legal issues;

(b) The severity of the offense;

(c) The time necessary to provide an adequate defense; or

(d) Other special circumstances,

~~He deems it appropriate to grant a fee in excess of the applicable maximum, the payment must be made, but only if the court in which the representation was rendered certifies that the amount of the excess payment is both reasonable and necessary and the payment is approved by the presiding judge of the judicial district in which the attorney was appointed, or if there is no such presiding judge or if he or she presided over the court in which the representation was rendered, then by the district judge who holds seniority in years of service in 5. [2.]~~ The magistrate, the district court, the Court of Appeals or the Supreme Court may, in the interests of justice, substitute one appointed attorney for another at any stage of the proceedings, ~~but the total amount of fees granted to all appointed attorneys must not exceed those allowable if but one attorney represented or defended the defendant at all stages of the criminal proceeding.~~

NRS 7.135 Reimbursement for expenses; employment of investigative, expert or other services.

1. The attorney appointed by a magistrate or district court to represent a defendant is entitled, in addition to the fee provided by NRS 7.125 for the attorney's services, to be reimbursed for expenses reasonably incurred by the attorney in representing the defendant and may employ *[such investigative, expert or other services as may be necessary for an adequate defense]*, subject to the prior approval of *[an application]*,
 - a. *in counties with a population less than 100,000, pursuant to (the Department / the plan for the provision of indigent defense services), or*



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- b. *in counties with a population more than 100,000, pursuant to the county's plan for the provision of indigent defense services.]*
~~the magistrate or the district court in an ex parte application such investigative, expert or other services as may be necessary for an adequate defense. Compensation to any person furnishing such investigative, expert or other services must not exceed \$500, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is:~~
2. *[If the application for funds is denied, the expenses may:*
- be] certified by the trial judge of the court, or by the magistrate if the services were rendered in connection with a case disposed of entirely before the magistrate, as necessary to provide fair compensation for services of an unusual character or duration; and*
 - Approved by the presiding judge of the judicial district in which the attorney was appointed or, if there is no presiding judge, by the district judge who holds seniority in years of service in office.*

NRS 7.145 Claim for compensation and expenses.

1. A claim for compensation and expenses made pursuant to NRS 7.125 or 7.135 must not be paid unless it is submitted within 60 days after the ~~appointment [representation]~~ is terminated ~~to~~:
 - in counties with a population less than 100,000, pursuant to (the Department / the plan for the provision of indigent defense services), or*
 - in counties with a population more than 100,000, pursuant to the county's plan for the provision of indigent defense services.]*

~~(a) The magistrate in cases in which the representation was rendered exclusively before the magistrate; and~~
~~(b) The district court in all other cases.~~

2. Each claim must be supported by a sworn statement specifying the time expended in court, the services rendered out of court and the time expended therein, the expenses incurred while the case was pending and the compensation and reimbursement applied for or received in the same case from any other source. ~~Except as otherwise provided for the approval of payments in excess of the statutory limit, the magistrate or the court to which the claim is submitted shall fix and certify the compensation and expenses to be paid, and the amounts so certified must be paid in accordance with NRS 7.155.~~

[3. The Claim shall be reviewed and modified, if necessary, and paid pursuant to the county's plan for the provision of indigent defense services.

4. Any dispute of the approval, denial or modification may be reviewed by the trial court based upon reasonable and necessary standards.]

NRS 7.155 Payment of compensation and expenses from county treasury or money appropriated to State Public Defender [the Department of Indigent



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Defense Services.] The compensation and expenses of an attorney appointed *[and selected]* to represent a defendant must be paid from the county treasury unless the proceedings are based upon a postconviction petition for habeas corpus *[or proceedings related to representation of a prisoner under NRS 212.070]*, in which case the compensation and expenses must be paid from money appropriated to the ~~Office of State Public Defender~~ *[Department of Indigent Defense Services]*, but after the appropriation for such expenses is exhausted, money must be allocated to the ~~Office of State Public Defender~~ *[Department of Indigent Defense Services]* from the reserve for statutory contingency account for the payment of such compensation and expenses.

NRS 7.165 Payment of compensation and expenses by defendant. If at any time after the appointment *[and selection]* of an attorney or attorneys the magistrate or the district court finds that money is available for payment from or on behalf of the defendant so that the defendant is financially able to obtain private counsel or to make partial payment for such representation, the magistrate or the district court may:

1. Terminate the appointment of such attorney or attorneys; or
2. Direct that such money be paid to:
 - a. The appointed attorney or attorneys, in which event any compensation provided for in NRS 7.125 shall be reduced by the amount of the money so paid, and no such attorney may otherwise request or accept any payment or promise of payment for representing such defendant; or
 - b. The clerk of the district court for deposit in the county treasury, if all of the compensation and expenses in connection with the representation of such defendant were paid from the county treasury, and remittance to the Office of State Public Defender, if such compensation and expenses were paid partly from moneys appropriated to the Office of State Public Defender and the money received exceeds the amount of compensation and expenses paid from the county treasury.



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NRS 34.750 Appointment [*and Selection*] of counsel for indigents; pleadings supplemental to petition; response to motion to dismiss.

1. A petition may allege that the petitioner is unable to pay the costs of the proceedings or to employ counsel. If the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the court may *[order]* counsel to *[be appointed to]* represent the petitioner. *[Once representation has been ordered, the Court shall immediately refer for selection of counsel as provided in NRS 7.115.]* In making its determination, the court may consider, among other things, the severity of the consequences facing the petitioner and whether:

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

2. If the court determines that the petitioner is unable to pay all necessary costs and expenses incident to the proceedings of the trial court and the reviewing court, including court costs, stenographic services, printing and reasonable compensation for legal services, all costs must be paid from money appropriated to the ~~office of the State Public Defender~~ *[Department of Indigent Defense Services]* for that purpose. After appropriations for that purpose are exhausted, money must be allocated to the ~~office of the State Public Defender~~ *[Department of Indigent Defense Services]* from the Reserve for Statutory Contingency Account for the payment of the costs, expenses and compensation.

3. After appointment *[and selection]* by the court, counsel for the petitioner may file and serve supplemental pleadings, exhibits, transcripts and documents within 30 days after:

- a. The date the court orders the filing of an answer and a return; or
- b. The date of counsel's ~~appointment~~ *[selection]*,

whichever is later. If it has not previously been filed, the answer by the respondent must be filed within 15 days after receipt of the supplemental pleadings and include any response to the supplemental pleadings.

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

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

NRS 34.980 Appointment of counsel. If the court grants a hearing on the petition pursuant to NRS 34.970, the court may, after determining whether the petitioner is indigent pursuant to NRS 171.188 and whether counsel was appointed in the case which resulted in the conviction, *[order counsel be]* appoint~~ed~~ *counsel* for the petitioner. *[Once representation has been ordered, the Court shall immediately refer for selection of counsel as provided in NRS 7.115.]*



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NRS 62D.030 Advisement of right to representation by attorney; appointment [and selection] of attorney; waiver of right to representation; parent or guardian not responsible for payment of appointed [and selected] attorney; compensation of appointed [and selected] attorney.

1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.
2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment [and selection] of an attorney to represent the child pursuant to the provisions in NRS 171.188.
3. Except as otherwise provided in this section, the juvenile court shall [order an attorney to be] appoint[ed and refer for selection of counsel pursuant to NRS 7.115] an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.
4. A child may waive the right to be represented by an attorney if:
 - a. A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or
 - b. A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.
5. Except as otherwise provided in NRS 424.085, if the juvenile court [orders the] appoint[ment]s [and refer for the selection of] an attorney to represent a child [pursuant to NRS 7.115], the parent or guardian must not be required to pay the fees and expenses of the attorney.
6. Each attorney, other than a public defender, who is appointed [and selected] under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed [and selected] to represent persons charged with criminal offenses.

NRS 62D.100 Right to representation by attorney; appointment [and selection] of attorney under certain circumstances; compensation.

1. A parent or guardian of a child who is alleged to be delinquent or in need of supervision may be represented by an attorney at all stages of the proceedings. The juvenile court may not [order the] appoint[ment and refer for the selection of] an attorney [pursuant to NRS 7.115] for a parent or guardian, unless the juvenile court:
 - a. Finds that such an appointment is required in the interests of justice; and
 - b. Specifies in the record the reasons for the appointment.
2. Each attorney, other than a public defender, who is appointed [and selected] pursuant to subsection 1 is entitled to the same compensation and expenses from the



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county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

NRS 128.023 Proceedings to terminate parental rights of parent of Indian child: Powers and duties of court; appointment [and selection] of attorney.

1. If proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall:

(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.

(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.

(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall *[order the]* appoint*[ment and refer for selection of]* an attorney *[pursuant to NRS 7.115]* to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,
as provided in the Indian Child Welfare Act.

NRS 128.100 Appointment [and Selection] of attorney to represent child in proceeding concerning termination or restoration of parental rights; appointment [and selection] of attorney to represent parent; compensation of attorney.

1. Except as otherwise provided in subsection 2, in any proceeding for terminating parental rights, or any rehearing or appeal thereon, or any proceeding for restoring parental rights, the court may *[order the]* appoint*[ment and refer for selection of]* an attorney *[pursuant to NRS 7.115]* to represent the child as his or her counsel. The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. In any proceeding for the termination of parental rights to a child who has been placed outside of his or her home pursuant to chapter 432B of NRS, or any rehearing or appeal thereon, or any proceeding for restoring parental rights to such a child, the court shall *[order the]* appoint*[ment and refer for selection of]* an attorney *[pursuant to NRS 7.115]* to represent the child as his or her counsel. The child shall be deemed to be a party to any proceeding described in this section and must be represented by an attorney at all stages of such proceedings. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.



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3. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may *[order the]* appoint*[ment and refer the selection of]* an attorney *[pursuant to NRS 7.115]* for them.
4. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.

NRS 171.188 Procedure for appointment *[and selection]* of attorney for indigent defendant.

1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant. The record in each such case must indicate that the defendant was provided an opportunity to make an oral statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record must also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.
2. The request must be accompanied by the defendant's affidavit, which must state:
 - a. That the defendant is without means of employing an attorney; and
 - b. Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.
3. The district judge, justice of the peace, municipal judge or master shall forthwith consider the application and shall make such further inquiry as he or she considers necessary. If the district judge, justice of the peace, municipal judge or master:
 - a. Finds that the defendant is without means of employing an attorney; and
 - b. Otherwise determines that representation is required,the judge, justice or master shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant. If the appropriate public defender is unable to represent the defendant, or other good cause appears, another attorney must be appointed. *[and referred for selection:]*
 - i. *[in counties with a population less than 100,000, (by the Department / pursuant to the county's and/or municipality's plan for the provision of indigent defense services), or*
 - ii. *[in counties with a population more than 100,000, pursuant to the county's and/or municipality's plan for the provision of indigent defense services.]*
4. The county or State Public Defender must be reimbursed by the city for costs incurred in appearing in municipal court. The county shall reimburse the State Public Defender for costs incurred in appearing in Justice Court, unless the county has transferred the responsibility to provide all indigent defense services for the county to the State Public Defender pursuant to NRS 180.450. If a private attorney is appointed as provided in this section, the private attorney must be reimbursed by the county for



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appearance in Justice Court or the city for appearance in municipal court ~~in an amount not to exceed \$75 per case.~~

NRS 171.196 Preliminary examination: Waiver; time for conducting; postponement; introduction of evidence and cross-examination of witnesses by defendant; admissibility of hearsay evidence.

1. If an offense is not triable in the Justice Court, the defendant must not be called upon to plead. If the defendant waives preliminary examination, the magistrate shall immediately hold the defendant to answer in the district court.

2. If the defendant does not waive examination, the magistrate shall hear the evidence within 15 days, unless for good cause shown the magistrate extends such time. Unless the defendant waives counsel, reasonable time must be allowed for counsel to appear.

3. Except as otherwise provided in this subsection, if the magistrate postpones the examination at the request of a party, the magistrate may order that party to pay all or part of the costs and fees expended to have a witness attend the examination. The magistrate shall not require a party who requested the postponement of the examination to pay for the costs and fees of a witness if:

- a. It was not reasonably necessary for the witness to attend the examination; or
- b. The magistrate ordered the extension pursuant to subsection 4.

4. If application is made for the appointment of counsel for an indigent defendant, the magistrate shall postpone the examination until:

- a. The application has been granted or denied; and
- b. If the application is granted, the attorney ~~appointed~~ *[selected pursuant to NRS 7.115]* or the public defender has had reasonable time to appear.

5. The defendant may cross-examine witnesses against him or her and may introduce evidence in his or her own behalf.

6. Hearsay evidence consisting of a statement made by the alleged victim of the offense is admissible at a preliminary examination conducted pursuant to this section only if the defendant is charged with one or more of the following offenses:

- a. A sexual offense committed against a child who is under the age of 16 years if the offense is punishable as a felony. As used in this paragraph, “sexual offense” has the meaning ascribed to it in NRS 179D.097.
- b. Abuse of a child pursuant to NRS 200.508 if the offense is committed against a child who is under the age of 16 years and the offense is punishable as a felony.
- c. An act which constitutes domestic violence pursuant to NRS 33.018, which is punishable as a felony and which resulted in substantial bodily harm to the alleged victim.



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NRS 180.004 “Indigent defense services” defined. “Indigent defense services” means the provision of legal representation to:

- ~~1. An indigent person who is charged with a public offense; or~~
- ~~2. An indigent child who is:~~
 - ~~(a) Alleged to be delinquent; or~~
 - ~~(b) In need of supervision pursuant to title 5 of NRS. [includes:~~
 - 1. representation, and ancillary services for any financially eligible person who:*
 - a. is charged with a felony or gross misdemeanor;*
 - b. is charged with a misdemeanor where jail time is required or the prosecution is seeking jail time;*
 - c. is alleged to have violated probation or other supervision and incarceration may be imposed;*
 - d. is a juvenile alleged to have committed an act of delinquency;*
 - e. is subject to commitment pursuant to NRS 433A.310;*
 - f. is seeking relief from a sentence of death pursuant to NRS 34.724;*
 - g. is in custody as a material witness;*
 - h. is entitled to appointment of counsel under the Sixth Amendment to the United States Constitution or any provision of the Nevada Constitution, or when due process requires the appointment, or the judge is likely to impose incarceration;*
 - i. is charged with criminal contempt who faces loss of liberty;*
 - j. faces loss of liberty in a case and Nevada law requires the appointment of counsel;*
 - k. has received notice that a grand jury is considering charges against him/her and request for counsel has been made, and approved by, the Court.*
- 2. Whenever a court determines that the interests of justice so require, “indigent defense service” may include representation and ancillary services for any financially eligible person who:*
 - a. is charged with a misdemeanor, infraction or code violation for which a sentence of confinement is authorized;*
 - b. is seeking post conviction relief, other than from a death sentence, pursuant to NRS 34.724(1);*
 - c. is charged with civil contempt who faces loss of liberty;*
 - d. is a party to a dependency case in which termination of parental rights is a possibility;*
 - e. has been called as a witness before a grand jury, a court, or any agency which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;*
 - f. Any other case in which the interest of justice requires appointment of counsel.]*



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NRS 180.010 Office created; term; qualifications; private practice of law prohibited; supervision; assignment of additional duties.

1. The Office of State Public Defender is hereby created within the Department of Indigent Defense Services.
2. The Governor [Department of Indigent Defense Services] shall appoint [select] the [Nevada] State Public Defender for a term of 4 years, and until a successor is appointed [selected] and qualified.
3. The State Public Defender is responsible to the Executive Director.
4. The State Public Defender:
 - (a) Must be an attorney licensed to practice law in the State of Nevada.
 - (b) Is in the unclassified service of the State and serves at the pleasure of the Executive Director.
 - (c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.
5. No officer or agency of the State, other than the Executive Director and the deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.430 may supervise the State Public Defender. No officer or agency of the State, other than the Executive Director or deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.430 may assign the State Public Defender duties in addition to those prescribed by this chapter.

NRS 180.060 Duties: Representation of indigent persons; contracts to render services.

1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.
2. The State Public Defender shall, when designated pursuant to NRS 62D.030, 62D.100, [NRS 128.100], 171.188[,] or 432B.420, [or NRS 433A.270] represent without charge each indigent person for whom the State Public Defender is appointed.
3. When representing an indigent person, the State Public Defender shall:
 - (a) Counsel and defend the indigent person at every stage of the proceedings, including revocation of probation or parole; and
 - (b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.
4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.



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[5. The Office of the State Public Defender (may/shall) handle all death penalty cases and/or all direct appeals to the Nevada Appellate Courts for counties whose population is less than 100,000 at State expense. (A county must notify the Office of the State Public Defender in writing on or before March 1 of an odd-numbered year if a county desires to transfer responsibility for such cases to the Office of the State Public Defender. The responsibilities will be transferred at a time specified or after July 1 of the same year in which the notice was given, as determined by the Executive Director of the Department. Once a county whose population is less than 100,000 has opted in for these services, they will not be able to opt out.)]

[6.]5. The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

[NRS 180. Grants, bequests, devises, donations and gifts; Special Account for the Support of Indigent Defense Services.

1. The Department of Indigent Defense may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the duties of the Department and Board.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of Indigent Defense Services, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Department and the Board and its duties pursuant to NRS 180.300, et. seq.]



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NRS 212.070 Expenses of prosecuting *[and defending a]* prisoner and person acting in concert with prisoner who escapes or commits crime while incarcerated.

1. The expenses and costs of prosecuting any person for escaping from, or breaking out of, the state prison, or attempting so to do, or for the commission of any crime while a prisoner therein, or any person acting in concert with such a prisoner, whether as a principal or accessory, are a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. *[The compensation and expenses of an attorney appointed to represent a defendant are a charge against the State and must be paid from the money appropriated to the Department of Indigent Defense Services pursuant to NRS 7.155, but after the appropriation for such expenses is exhausted, money must be allocated to the Department of Indigent Defense Services from the reserve for statutory contingency account for the payment of such compensation and expenses.]*

2. The expenses and costs of prosecuting any person or persons for escaping from, or breaking out of, a jail, branch county jail or other local detention facility or attempting so to do, or for the commission of any crime while a prisoner therein, or any person acting in concert with such a prisoner, whether as a principal or accessory, are a charge against the county, city or other local government responsible for the operation of that facility.



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NRS 260.040 Compensation; deputies and employees; private practice of law limited; expenses; deputies in certain counties governed by merit personnel system.

1. The compensation of the public defender must be fixed by the board of county commissioners [*and in compliance with the regulations of the Department of Indigent Defense Services*]. The public defender of any two or more counties must be compensated and be permitted private civil practice of the law as determined by the boards of county commissioners of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.

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

3. The compensation of persons appointed under subsection 2 must be fixed by the board of county commissioners of the county or counties so served.

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

5. The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his or her office. However, the board of county commissioners may provide for an allowance in place of facilities. Each of those items is a charge against the county in which public defender services are rendered. If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of those counties must be prorated among the counties concerned.

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

NRS 260.050 Interview with and representation of indigent person.

1. The public defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when he or she has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.



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2. The public defender shall, when designated pursuant to NRS 62D.030, *[NRS 128.100,] 171.188[,] 432B.420*, or *[NRS 433A.270]* represent without charge each indigent person for whom he or she is appointed.
3. When representing an indigent person, the public defender shall:
 - (a) Counsel and defend the person at every stage of the proceedings, including revocation of probation or parole; and
 - (b) Prosecute, subject to the provisions of subsection 4 of NRS 180.060, any appeals or other remedies before or after conviction that he or she considers to be in the interests of justice.

NRS 260.060 Magistrate or district court may appoint and compensate other defense counsel. For cause, the magistrate or district court may, on its own motion or upon motion of the public defender or the indigent person, appoint *[and refer defense counsel to be selected pursuant to NRS 7.115 to represent the individual. The selected defense counsel shall be]* and compensate~~[d]~~ out of county funds~~[. This selected defense counsel may be an attorney]~~ other than, or in addition to, the public defender to represent such indigent person at any stage of the proceedings or on appeal in accordance with the laws of this state pertaining to the appointment *[and selection]* of counsel to represent indigent criminal defendants.



Nevada Department of Indigent Defense Services

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NRS 432B.420 Right of parent or other responsible person to representation by attorney; child deemed party to proceedings; court required to [order] appoint[ment and refer the selection of] attorney to represent child; authority and rights of child's attorney; compensation of attorney.

1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 3, if the person is indigent, the court ~~may~~ shall order the appointment and refer for the selection of an attorney pursuant to NRS 7.115 to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive. The court shall [order the] appointment and refer for the selection of an attorney pursuant to NRS 7.115 to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall [order the] appointment and refer the selection of an attorney pursuant to NRS 7.115 to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,
as provided in the Indian Child Welfare Act.

4. Each attorney, other than a public defender or an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed [and selected] under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed [and selected] to represent a person charged with a crime.



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NRS 433A.270 Right to counsel; compensation of counsel; recess; continuation of representation by counsel during involuntary admission; duties of district attorney.

1. The person alleged to be a person in a mental health crisis or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall *[order counsel to be]* appoint*[ed and refer for the selection pursuant to NRS 7.115]* ~~counsel, who [such counsel]~~ may be the public defender or his or her deputy.

2. Any counsel appointed *[and selected]* pursuant to subsection 1 must be awarded compensation ~~by the court~~ for his or her services in an amount *[in accordance with NRS 7.125 and 7.135]*~~determined by it to be fair and reasonable~~. The compensation must be charged against the estate of the person for whom the counsel was appointed *[and selected]* or, if the person is indigent, against the county where the person alleged to be a person in a mental health crisis last resided.

3. The court shall, at the request of counsel representing the person alleged to be a person in a mental health crisis in proceedings before the court relating to involuntary court-ordered admission, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. If the person alleged to be a person in a mental health crisis is involuntarily admitted to a program of community-based or outpatient services, counsel shall continue to represent the person until the person is released from the program. The court shall serve notice upon such counsel of any action that is taken involving the person while the person is admitted to the program of community-based or outpatient services.

5. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered admission proceedings in the district attorney's county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered admission of a person to a mental health facility or to a program of community-based or outpatient services in proceedings held pursuant to NRS 433A.200 or 433A.210.