



Governor: **Steve Sisolak**  
 Budget Period: **2021-2023 Biennium (FY22-23)**  
 Budget Session: **81ST REGULAR SESSION**  
 BDR Number: **21A1112305**  
 Title: **Update to Indigent Defense Statutes**

## 1. Description

Primary Department: **11 11 - DEPARTMENT OF INDIGENT DEFENSE SERVICES**

Primary Division: **111 111 - INDIGENT DEFENSE**

NRS title, chapter and sections, Nevada Constitutional provisions, administrative regulations (NAC) affected:

**NRS 7, 62D, 171, 180, 260, 433A**

Description of the problem to be solved or the goal of the proposed measure, or both:

**An act relating to criminal defense making various changes to the administration and oversight of indigent defense.**

**The State of Nevada has entered into a "Stipulated Consent Judgment" in the Davis v. State case (attached) wherein the State agreed to comply with certain conditions. The State, by an through the Department, agreed to recommend legislation to cure NRS 7.115-7.175 and NRS 171.188 as the capped payments within the statutes creates an economic disincentive to providing effective representation.**

**The changes also create consistency in indigent defense services throughout the State. Pursuant to ADKT411, Washoe and Clark counties entered into a plan for the provision of indigent defense services which specifies how counsel is selected and payment made, which is independent of the judiciary. However, ADKT411 excluded the rural counties. As such, the proposed BDR seeks to establish or create consistency in the selection of counsel and the payment of fees, which is independent from the judiciary. Independence from the judiciary has been agreed to in the Davis Judgment.**

**The BDR seeks to limit the duties of Public Defenders to be consistent with the definition of "indigent defense services" in NRS 180.004. Limiting the duties of the public defender will allow for more consistent and accurate data as to the true cost of indigent defense services.**

Would this measure, if enacted, create or increase any fiscal liability of state government or decrease any revenue of state government which appears to be in excess of \$2,000?

**Yes**

Would this measure, if enacted, increase or newly provide for a term of imprisonment in the state prison or make release on parole or probation from the state prison less likely?

**No**

Bill Type: **Budget**

Effective Date: **July 1, 2021**

## 2. BA/DU

### Budget Accounts

1008 DEPARTMENT OF INDIGENT DEFENSE SERVICES

1499 PUBLIC DEFENDER

### Decision Units

E230 EFFICIENCY & INNOVATION

## 3. Contacts

Primary Contact:

Name: **Marcie Ryba**  
 Title: **Executive Director**  
 Mailing Address: **896 W. Nye  
Suite 202**  
 Phone: **(775) 431-0527**  
 Extension:  
 Email: **mryba@dids.nv.gov**

## 4. Agency Notes

Are there similar measures from current or previous sessions?

**No**

Are there federal laws, court cases, or attorney general opinions involved?

**Yes**

Please explain

**Pursuant to a settlement agreement in Davis v. State, our Department must recommend legislation to cure defects in NRS 7.115-7.175 and NRS 171.188. The State has also agreed to create independence in the selection of appointed counsel and the payment of indigent defense expenses.**

Are there similar statutes in other states?

**No**

What would be the impacts of the BDR if implemented?

**Impacts would cure inconsistencies between current law and the State's constitutional and statutory obligation to ensure indigent defendants receive meaningful assistance of counsel and AB 81's requirement to "[e]stablish minimum standards for the delivery of indigent defense services to ensure that such services ... do not create any type of economic disincentive ... to provide effective representation." The recommendations would also reduce economic disincentives to counsel by removing caps for total payments.**

**Also the proposed BDRS would put into law the Orders set forth by the Nevada Supreme Court in ADKT 411. The BDRs would eliminate the appearance of impropriety in the selection and compensation of counsel and case related expenses.**

**The passage of the BDRs would demonstrate compliance with the Davis Stipulated Consent Judgment.**

If the BDR fails to pass what are the consequences?

**It is possible that there could be litigation under Davis v. State. In the Stipulated Consent Judgment, the State of Nevada agreed to comply with the terms of the judgment. Failure to substantially comply with the judgment could violate the agreement. NRS would continue to create economic disincentives to provide effective representation of counsel for indigent defendants because reimbursement would be capped at a certain amount. There would be continued appearance of impropriety in the selection and compensation of counsel and case related expenses. There would be continued disparity between Clark and Washoe with the rural counties in the handling of these situations.**

Describe any support for the BDR beyond the requesting agency

**unknown**

Describe any opposition to the BDR

**Unknown at this time.**

### Approvals

Approval Level	User	Date
Agency Administrator Approval	mryba	02/02/2021 14:02:09 PM
Agency Director Approval	mryba	02/02/2021 14:02:11 PM
Budget Analyst Approval	bwooldri	02/08/2021 10:27:59 AM
Team Lead Approval	tgreenam	02/08/2021 13:28:38 PM
Budget Director Approval	tgreenam	02/08/2021 13:28:40 PM
Governor Approval	tgreenam	02/08/2021 13:28:43 PM
Final Transmittal Approval	Pending	



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*[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 or their designee in compliance with 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, the court shall, after making a finding on the record of the disqualification and the reasons for the disqualification, refer the selection of new defense counsel:*

- 1. in counties with a population less than 100,000, to the Department or their designee in compliance with the plan for the provision of indigent defense services, or*
- 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 other than public defender.**

~~1.—Except as limited by subsections 2, 3 and 4, a~~<sup>[A]</sup>n attorney, other than a public defender, who is appointed ~~[and selected pursuant to NRS 7.115,] 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 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.

~~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:~~



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- ~~—(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,~~
- ~~Ê 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. 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 ~~of~~
  - a. *in counties with a population less than 100,000, pursuant to the Department or their designee in the plan for the provision of indigent defense services, or*
  - 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:~~



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### 2. *[If the application for funds is denied, the expenses may:*

- a. *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
- b. 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~~:

- a. *in counties with a population less than 100,000, to the Department or their designee in compliance with the plan for the provision of indigent defense services, or*
- b. *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 62D.030 Advisement of right to representation by attorney; appointment of attorney; waiver of right to representation; parent or guardian not responsible for payment of appointed attorney; compensation of appointed 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 of an attorney to represent the child pursuant to the provisions in NRS 171.188.



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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 referral 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 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 to represent persons charged with criminal offenses.

### **NRS 62D.100 Right to representation by attorney; appointment 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 appoint an attorney 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 pursuant to subsection 1 is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.
3. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney 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 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





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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, to the Department or their designee pursuant to the county'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 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 appearance in Justice Court or the city for appearance in municipal court ~~in an amount not to exceed \$75 per case.~~

### **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~~, *[or]* 171.188 ~~or 432B.420~~, 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 person at every stage of the proceedings, including *[initial appearance, bail,]* 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.



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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.

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 180.450 Corrective action plans.**

1. If a corrective action plan is recommended pursuant to NRS 180.440, the deputy director and the board of county commissioners must collaborate on the manner in which the county will meet the minimum standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.

2. If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next budget for the Department of Indigent Defense Services to help support the indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.

3. For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Department pursuant to subsection 2 is not approved, the board of county commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.

4. If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.

5. Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county. For a county that is not required to have an office of public defender pursuant to NRS 260.010, the Executive Director may instead recommend requiring the board of county commissioners to transfer responsibility for





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the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county shall notify the State Public Defender in writing on or before ~~March 1 of the next odd-numbered~~ [November 1 of the even numbered] year and the responsibilities must transfer at a specified time on or after July 1 of the ~~same~~ following odd numbered year ~~in~~ [from] which the notice was given, as determined by the Executive Director.

(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to NRS 180.320.

### ***[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.*

*3. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.]*

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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 Board 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.



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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.

2. The public defender shall, when designated pursuant to NRS 62D.030, *[or]* 171.188, ~~432B.420~~, 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 *[initial appearance, bail,]* 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.



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**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 select counsel pursuant to NRS 7.115. Defense counsel shall be]* ~~and~~ compensate~~[d]~~ out of county funds~~[. Such attorney may be appointed]~~ 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 of counsel to represent indigent criminal defendants.

**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 appoint counsel, ~~who may be the public defender or his or her deputy.~~

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount 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 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.