

## **Current Language NRS 7.125**

**NRS 7.125 Fees of attorney other than public defender.** An attorney, other than a public defender, who is selected pursuant to [NRS 7.115](#) 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 section does not preclude a governmental entity from contracting with a private attorney who agrees to provide such services for a lesser rate of compensation.

## Option 1: Rate Set by Board on Indigent Defense Services

*[NRS 7.1125. "Public Defender" defined: "Public Defender" means an office created pursuant to Chapter 180 or Chapter 260, or an attorney or group of attorneys contracted to provide primary indigent defense services as defined by NRS 180.004.]*

### **NRS 7.125 Fees of attorney other than public defender.**

1. An attorney, other than a public defender, who is selected pursuant to NRS 7.115 to *[provide indigent defense services as defined by NRS 180.004,]* ~~represent or defend an indigent 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 *[the higher of the amount set by the Board on Indigent Defense Services under NRS 180.320(4) or]* \$125 per hour in cases in which the death penalty is sought and \$100 per hour in all other criminal 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 section 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. *[An attorney, other than a public defender, who is selected pursuant to NRS 7.115 to provide representation other than indigent defense services, is entitled to receive a fee of \$100 per hour for court appearances and other time reasonably spent on the matter to which the appointment is made.]*

### **NRS 180.320 Duties of Board; adoption of regulations.**

1. (No change)
2. (No change)
3. (No change)
4. *[For counties with a population of less than 100,000 the Board shall adopt regulations to establish appointed indigent defense hourly rates pursuant to NRS 7.125(1)] OR [the Board shall adopt regulations to establish appointed indigent defense hourly pursuant to NRS 7.125(1).]*
5. The Board shall adopt any additional regulations it deems necessary or convenient to carry out the duties of the Board and the provisions of this chapter.

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## Option 2: Rate Set by Statute

*[NRS 7.1125. "Public Defender" defined: "Public Defender" means an office created pursuant to Chapter 180 or Chapter 260, or an attorney or group of attorneys contracted to provide primary indigent defense services as defined by NRS 180.004.]*

### 7.125. Fees of attorney other than public defender

An attorney, other than a public defender, who is selected pursuant to NRS 7.115 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~~ *[\$188] or [\$202]* per hour in cases in which the death penalty is sought and ~~\$100~~ *[\$150] or [\$163]* per hour in all other cases. *[Starting July 1, 2025, on the first day of July of every odd numbered year, the rate of hourly compensation paid to appointed counsel shall be adjusted by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the preceding biennium. In no event shall the percentage increase be lower than 1%.]*

*These fees must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding biennium.]* ~~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 section 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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#### For Reference:

##### NRS 223.050 Salary.

1. Until the first Monday in January 2007, the Governor is entitled to receive an annual salary of \$117,000. From the first Monday in January 2007, until the first Monday in January 2011, the Governor is entitled to receive an annual salary of \$141,000.

2. **On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Governor must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Governor.**

## FISCAL NOTE for Option 2

Davis Counties Appointed Counsel Compensation	FY 22 at Rate of \$163 per hour	FY22 at Rate at \$150 per hour	FY 22	FY21
Churchill	\$ 52,926.17	\$ 48,705.06	\$ 32,470.04	\$ 8,984.99
Douglas	\$ 480,131.09	\$ 441,838.43	\$ 294,558.95	
Esmeralda	\$ 10,125.40	\$ 9,317.85	\$ 6,211.90	\$ 2,300.00
Eureka	\$ 21,646.40	\$ 19,920.00	\$ 13,280.00	\$ 8,250.00
Lander				\$ 9,074.25
Lincoln	\$ 7,579.50	\$ 6,975.00	\$ 4,650.00	
Lyon	\$ 473,062.68	\$ 435,333.75	\$ 290,222.50	\$ 2,094.25
Mineral	\$ 8,514.03	\$ 7,835.00	\$ 5,223.33	\$ 22,560.00
Nye	\$ 302,416.35	\$ 278,297.25	\$ 185,531.50	\$ 60,430.11
White Pine	\$ 3,846.80	\$ 3,540.00	\$ 2,360.00	\$ 73,612.00
<b>Non-Davis Counties</b>				
Carson	\$ 196,411.28	\$ 180,746.58	\$ 120,497.72	\$ 8,780.00
Clark				
Elko	\$ 319,201.53	\$ 293,743.74	\$ 195,829.16	\$ 803,071.46
Humboldt	\$ 684.60	\$ 630.00	\$ 420.00	
Pershing	\$ 652.00	\$ 600.00	\$ 400.00	
Storey	\$ 3,820.31	\$ 3,515.63	\$ 2,343.75	\$ 17,327.50
Washoe	\$ 492,426.26	\$ 453,153.00	\$ 302,102.00	\$ 302,102.00
State of Nevada Prison (NRS 212.070)	\$ 191,126.95	\$ 175,883.70	\$ 117,255.80	\$ 171,900.60
State of Nevada Post- Conviction (NRS 34.750)	\$ 1,701,665.53	\$ 1,565,949.87	\$ 1,043,966.58	\$ 921,819.19
<b>TOTAL:</b>	\$ 4,266,236.86	\$ 3,925,984.85	\$ 2,617,323.23	\$ 2,412,306.35
<b>Difference of higher rate and actual FY22:</b>	\$ 1,648,913.63	\$ 1,308,661.62		

Fiscal Note was created using Annual Reporting of Appointed Counsel compensation expenses from the counties. Please note, Clark County did not report appointed counsel expenses in prior reporting.

Lander County uses a 3 tier conflict system and has reported \$0 expenses for appointed counsel compensation.