

Senate Bill No. 39–Committee on Judiciary

CHAPTER.....

AN ACT relating to indigent services; providing that certain records received by the Board on Indigent Defense Services in the Department of Indigent Defense Services or the Department which are protected by the attorney-client privilege are confidential; providing that certain records received by the Board or the Department relating to the conduct of an attorney are confidential under certain circumstances; providing that certain records which are voluntarily disclosed to the Department remain protected by the attorney-client privilege under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) creates the Board on Indigent Defense Services and the Department of Indigent Defense Services; and (2) requires the Board and the Department to perform certain duties related to the oversight of indigent defense services in this State. (NRS 180.300, 180.320, 180.400, 180.410)

Section 1 of this bill provides, with certain exceptions, that all records received by the Board, the Department or a designee of the Department that are protected by the attorney-client privilege are confidential. **Section 1** also provides that all records obtained or compiled during or after an investigation arising from a complaint related to the conduct of an attorney are confidential, unless releasing such records is necessary for the performance of the oversight functions or duties of the Board or Department. Additionally, **section 1** clarifies that the Board and Department may, at their discretion, communicate or cooperate with, or provide records to, any professional licensing board or any other governmental agency that is investigating a complaint against an attorney pertaining to the representation of an indigent client by the attorney.

Existing law establishes a privilege for confidential communication between a client and the client’s attorney. (NRS 49.035-49.115) However, existing law also provides that the privilege is waived if a person who holds the privilege voluntarily discloses or consents to disclosure of any significant part of the matter, unless the disclosure is itself a privileged communication or made to an interpreter employed merely to facilitate communications. (NRS 49.385) **Section 2** of this bill provides that the privilege is additionally not waived if a disclosure is made to the Department or its designee for the purpose of: (1) requesting prior approval of a claim for compensation for certain legal expenses; (2) submitting a claim for compensation of certain legal fees or expenses reasonably incurred by an attorney providing indigent defense services; or (3) submitting a complaint against an attorney providing indigent defense services.

Section 3 of this bill makes a conforming change to reflect that certain records are confidential pursuant to **section 1**.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 180 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section and NRS 239.0115, all records received by the Board, the Department or a designee of the Department that are protected by the attorney-client privilege are confidential.

2. Except as otherwise provided in this section and NRS 239.0115, all records obtained or compiled during or after an investigation arising from a complaint received by the Board or the Department that are related to the conduct of an attorney are confidential, unless releasing such records is determined to be necessary for the oversight functions or duties of the Board or Department.

3. The provisions of this section do not prohibit the Board or the Department, at its discretion, from communicating or cooperating with, or providing any records to, any professional licensing board or any other governmental agency that is investigating a complaint against an attorney pertaining to the representation of an indigent client by the attorney.

4. As used in this section, "records" means any records, files, books, documents, papers, information or data that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 2. NRS 49.385 is hereby amended to read as follows:

49.385 1. A person upon whom these rules confer a privilege against disclosure of a confidential matter waives the privilege if the person or the person's predecessor while holder of the privilege voluntarily discloses or consents to disclosure of any significant part of the matter.

2. This section does not apply if the disclosure is:

(a) Itself a privileged communication; ~~or~~

(b) Made to an interpreter employed merely to facilitate communications ~~or~~; or

(c) *Made to the Department of Indigent Defense Services or a designee of the Department for the purpose of:*

(1) Requesting prior approval of a claim pursuant to paragraph (a) of subsection 1 of NRS 7.135;



(2) Submitting a claim for compensation or expenses pursuant to NRS 7.125 or 7.135; or

(3) Submitting a complaint against an attorney providing indigent defense services pursuant to NRS 180.320.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,



392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,



679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 1 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or



(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 4. This act becomes effective upon passage and approval.



ASSEMBLY BILL NO. 454—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to legal services for indigent defendants. (BDR 14-1067)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to criminal defense; revising provisions relating to the payment of compensation and expenses for certain attorneys who provide certain legal services to indigent defendants under certain circumstances; requiring the Board on Indigent Defense Services to adopt certain regulations relating to rates of compensation for certain attorneys who provide certain legal services to indigent defendants under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a magistrate, master or district court from appointing an
2 attorney other than a public defender to represent a person charged with any offense
3 or delinquent act unless the magistrate, master or district court finds that the public
4 defender is disqualified from providing representation and explains the reasons for
5 the disqualification. Under existing law, if the public defender is disqualified, the
6 magistrate, master or district court is required to refer the selection of the attorney:
7 (1) in a county whose population is less than 100,000 (currently all counties other
8 than Clark and Washoe Counties), to the Department of Indigent Defense Services
9 or its designee in compliance with the plan of the county for the provision of
10 indigent defense services; or (2) in a county whose population is 100,000 or more
11 (currently Clark and Washoe Counties), in compliance with the plan of the county
12 for the provision of indigent defense services. (NRS 7.115) Existing law provides
13 that an attorney, other than a public defender, who is so selected to represent or
14 defend a defendant is entitled to receive a fee for court appearances and other time
15 reasonably spent on the matter to which the appointment is made of \$125 per hour
16 in cases in which the death penalty is sought and \$100 per hour in all other cases.



17 (NRS 7.125) Finally, existing law provides that: (1) the compensation and expenses
18 of an attorney appointed to represent a defendant must be paid from the county
19 treasury unless the proceedings are based upon a postconviction petition for habeas
20 corpus, in which case the compensation and expenses must be paid from money
21 appropriated to the Office of State Public Defender; and (2) if the appropriation for
22 such expenses is exhausted, money must be allocated to the Office from the
23 Reserve for Statutory Contingency Account within the State General Fund. (NRS
24 7.155, 353.264) **Section 2** of this bill requires the Board on Indigent Defense
25 Services to adopt regulations establishing rates of hourly compensation for: (1) in
26 counties whose population is less than 100,000, an attorney, other than a public
27 defender, who is selected to provide indigent defense services; and (2) in all
28 counties, an attorney who is appointed to represent a petitioner who files a
29 postconviction petition for habeas corpus. **Section 3** of this bill makes a conforming
30 change to reflect the change in **section 2**.

31 **Section 1** of this bill provides that: (1) the compensation and expenses of an
32 attorney appointed to represent a defendant are an obligation of the county unless
33 the county has transferred its responsibility for the provision of indigent defense
34 services or met the maximum amount to be paid for indigent defense services by
35 the county, as determined using the formula established by the Board; and (2)
36 amounts that are not an obligation of the county must be paid from money
37 appropriated to the Department and, after the appropriation for such compensation
38 and expenses is exhausted, money must be allocated from the Reserve for Statutory
39 Contingency Account for the payment of such compensation and expenses.
40 **Sections 4 and 5** of this bill make conforming changes to reflect the changes in
41 **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 180 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in paragraph (b) of*
4 *subsection 6 of NRS 180.450 and subsection 1 of NRS 212.070,*
5 *the compensation and expenses of an attorney appointed to*
6 *represent a defendant are an obligation of the county unless that*
7 *county has:*

8 *(a) Transferred its responsibility for the provision of indigent*
9 *defense services pursuant to NRS 180.450; or*

10 *(b) Met the maximum amount determined using the formula*
11 *established by the Board pursuant to subsection 3 of NRS 180.320.*

12 *2. Amounts that are not an obligation of the county pursuant*
13 *to subsection 1 must be paid from money appropriated to the*
14 *Department. After the appropriation for such compensation and*
15 *expenses is exhausted, money must be allocated from the Reserve*
16 *for Statutory Contingency Account for the payment of such*
17 *compensation and expenses.*

18 **Sec. 2.** NRS 180.320 is hereby amended to read as follows:

19 180.320 1. The Board on Indigent Defense Services shall:



1 (a) Receive reports from the Executive Director and provide
2 direction to the Executive Director concerning measures to be taken
3 by the Department to ensure that indigent defense services are
4 provided in an effective manner throughout this State.

5 (b) Review information from the Department regarding
6 caseloads of attorneys who provide indigent defense services.

7 (c) Direct the Executive Director to conduct any additional
8 audit, investigation or review the Board deems necessary to
9 determine whether minimum standards in the provision of indigent
10 defense services are being followed and provided in compliance
11 with constitutional requirements.

12 (d) Work with the Executive Director to develop procedures for
13 the mandatory collection of data concerning the provision of
14 indigent defense services, including the manner in which such
15 services are provided.

16 (e) Provide direction to the Executive Director concerning
17 annual reports and review drafts of such reports.

18 (f) Review and approve the budget for the Department.

19 (g) Review any recommendations of the Executive Director
20 concerning improvements to the criminal justice system and
21 legislation to improve the provision of indigent defense services in
22 this State.

23 (h) Provide advice and recommendations to the Executive
24 Director on any other matter.

25 2. In addition to the duties set forth in subsection 1, the Board
26 shall:

27 (a) Establish minimum standards for the delivery of indigent
28 defense services to ensure that such services meet the constitutional
29 requirements and do not create any type of economic disincentive or
30 impair the ability of the defense attorney to provide effective
31 representation.

32 (b) Establish a procedure to receive complaints and
33 recommendations concerning the provision of indigent defense
34 services from any interested person including, without limitation,
35 judges, defendants, attorneys and members of the public.

36 (c) Work with the Department to develop resolutions to
37 complaints or to carry out recommendations.

38 (d) Adopt regulations establishing standards for the provision of
39 indigent defense services including, without limitation:

40 (1) Establishing requirements for specific continuing
41 education and experience for attorneys who provide indigent
42 defense services.

43 (2) Requiring attorneys who provide indigent defense
44 services to track their time and provide reports, and requiring the
45 State Public Defender and counties that employ attorneys or



1 otherwise contract for the provision of indigent defense services to
2 require or include a provision in the employment or other contract
3 requiring compliance with the regulations.

4 (3) Establishing standards to ensure that attorneys who
5 provide indigent defense services track and report information in a
6 uniform manner.

7 (4) Establishing guidelines to be used to determine the
8 maximum caseloads for attorneys who provide indigent defense
9 services.

10 (5) Requiring the Department of Indigent Defense Services
11 and each county that employs or contracts for the provision of
12 indigent defense services to ensure, to the greatest extent possible,
13 consistency in the representation of indigent defendants so that the
14 same attorney represents a defendant through every stage of the case
15 without delegating the representation to others, except that
16 administrative and other tasks which do not affect the rights of the
17 defendant may be delegated. A provision must be included in each
18 employment or other contract of an attorney providing indigent
19 defense services to require compliance with the regulations.

20 (e) Establish recommendations for the manner in which an
21 attorney who is appointed to provide indigent defense services may
22 request and receive reimbursement for expenses related to trial,
23 including, without limitation, expenses for expert witnesses and
24 investigators.

25 (f) Work with the Executive Director and the Dean of the
26 William S. Boyd School of Law of the University of Nevada, Las
27 Vegas, or his or her designee, to determine incentives to recommend
28 offering to law students and attorneys to encourage them to provide
29 indigent defense services, especially in rural areas of the State.

30 (g) Review laws and recommend legislation to ensure indigent
31 defendants are represented in the most effective and constitutional
32 manner.

33 3. The Board shall adopt regulations to establish a formula for
34 determining the maximum amount that a county may be required to
35 pay for the provision of indigent defense services.

36 4. *The Board shall adopt regulations to establish hourly rates
37 of compensation for court appearances and other time reasonably
38 spent on indigent defense services or representation for:*

39 *(a) In counties whose population is less than 100,000, an
40 attorney, other than a public defender, who is selected pursuant to
41 NRS 7.115 to provide indigent defense services; or*

42 *(b) In all counties, an attorney who is appointed pursuant to
43 NRS 34.750 to represent a petitioner who files a postconviction
44 petition for habeas corpus,*



1 *↪ except for cases in which the most serious crime is a felony*
2 *punishable by death or by imprisonment for life with or without*
3 *possibility of parole, the establishment by regulation of rates of*
4 *compensation pursuant to this subsection does not preclude a*
5 *governmental entity from contracting with a private attorney who*
6 *agrees to provide such services for a lesser rate of compensation.*

7 5. The Board shall adopt any additional regulations it deems
8 necessary or convenient to carry out the duties of the Board and the
9 provisions of this chapter.

10 **Sec. 3.** NRS 7.125 is hereby amended to read as follows:

11 7.125 1. An attorney, other than a public defender, who is
12 selected pursuant to NRS 7.115 to represent or defend a defendant at
13 any stage of the criminal proceedings from the defendant's initial
14 appearance before the magistrate or the district court through the
15 appeal, if any, is entitled to receive a fee for court appearances and
16 other time reasonably spent on the matter to which the appointment
17 is made of :

18 *(a) If the compensation of the attorney is subject to the*
19 *provisions of subsection 4 of NRS 180.320, the amount set forth in*
20 *the regulations adopted by the Board on Indigent Defense Services*
21 *within the Department of Indigent Defense Services pursuant to*
22 *subsection 4 of NRS 180.320; or*

23 *(b) If the compensation of the attorney is not subject to the*
24 *provisions of subsection 4 of NRS 180.320, \$125 per hour in cases*
25 *in which the death penalty is sought and \$100 per hour in all other*
26 *cases.*

27 2. Except for cases in which the most serious crime is a felony
28 punishable by death or by imprisonment for life with or without
29 possibility of parole, this section does not preclude a governmental
30 entity from contracting with a private attorney who agrees to
31 provide such services for a lesser rate of compensation.

32 **Sec. 4.** NRS 7.155 is hereby amended to read as follows:

33 7.155 ~~[The]~~ *Except as otherwise provided in section 1 of this*
34 *act, the* compensation and expenses of an attorney appointed to
35 represent a defendant must be paid from the county treasury unless
36 the proceedings are based upon a postconviction petition for habeas
37 corpus, in which case the compensation and expenses must be paid
38 from money appropriated to the Office of State Public Defender, but
39 after the appropriation for such expenses is exhausted, money must
40 be allocated to the Office of State Public Defender from the reserve
41 for statutory contingency account for the payment of such
42 compensation and expenses.

43 **Sec. 5.** NRS 353.264 is hereby amended to read as follows:

44 353.264 1. The Reserve for Statutory Contingency Account
45 is hereby created in the State General Fund.




1 2. The State Board of Examiners shall administer the Reserve
2 for Statutory Contingency Account. The money in the Account must
3 be expended only for:

4 (a) The payment of claims which are obligations of the State
5 pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310,
6 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253,
7 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235;

8 (b) The payment of claims which are obligations of the State
9 pursuant to:

10 (1) Chapter 472 of NRS arising from operations of the
11 Division of Forestry of the State Department of Conservation and
12 Natural Resources directly involving the protection of life and
13 property; and

14 (2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153 
15 *and section 1 of this act,*

16 ↪ except that claims may be approved for the respective purposes
17 listed in this paragraph only when the money otherwise appropriated
18 for those purposes has been exhausted;

19 (c) The payment of claims which are obligations of the State
20 pursuant to NRS 41.0349 and 41.037, but only to the extent that the
21 money in the Fund for Insurance Premiums is insufficient to pay the
22 claims;

23 (d) The payment of claims which are obligations of the State
24 pursuant to NRS 41.950; and

25 (e) The payment of claims which are obligations of the State
26 pursuant to NRS 535.030 arising from remedial actions taken by the
27 State Engineer when the condition of a dam becomes dangerous to
28 the safety of life or property.

29 3. The State Board of Examiners may authorize its Clerk or a
30 person designated by the Clerk, under such circumstances as it
31 deems appropriate, to approve, on behalf of the Board, the payment
32 of claims from the Reserve for Statutory Contingency Account. For
33 the purpose of exercising any authority granted to the Clerk of the
34 State Board of Examiners or to the person designated by the Clerk
35 pursuant to this subsection, any statutory reference to the State
36 Board of Examiners relating to such a claim shall be deemed to refer
37 to the Clerk of the Board or the person designated by the Clerk.

38 **Sec. 6.** This act becomes effective upon passage and approval.



(Reprinted with amendments adopted on June 3, 2023)

FIRST REPRINT

A.B. 518

ASSEMBLY BILL NO. 518—COMMITTEE ON WAYS AND MEANS

MAY 19, 2023

JOINT SPONSOR: SENATE COMMITTEE ON FINANCE

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to indigent defense.
(BDR 14-1194)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to indigent defense; establishing the maximum amount that certain counties are required to pay for the provision of indigent defense services for Fiscal Year 2023-2024; establishing a formula for determining the maximum amount that such counties may be required to pay for the provision of indigent defense services in subsequent fiscal years; establishing a formula for determining the maximum amount that other counties may be required to pay for the provision of indigent defense services; prohibiting a county from seeking state contributions for the provision of indigent defense services in excess of the maximum county contribution for the costs of capital improvement projects relating to the provision of indigent defense services; establishing the procedure by which a county may seek state contributions for the provision of indigent defense services in excess of the maximum county contribution; authorizing the designee of a board of county commissioners to perform certain actions relating to corrective action plans; revising the date on which certain reports related to the provision of indigent defense services must be submitted to the Department of Indigent Defense Services; making an appropriation to the Interim Finance Committee for allocation to the Department for the reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services and for the funding of certain other costs relating to the provision of indigent defense services; making an appropriation to the Department for certain costs related to pretrial release hearings that are or may be conducted on a weekend or holiday; and providing other matters properly relating thereto.



* A B 5 1 8 R 1 *

Legislative Counsel's Digest:

1 Existing law requires the Board on Indigent Defense Services to adopt
2 regulations to establish a formula for determining the maximum amount that a
3 county may be required to pay for the provision of indigent defense services.
4 (NRS 180.320) **Section 5** of this bill removes that requirement, and **section 2** of
5 this bill instead establishes: (1) the maximum amount that each county whose
6 population is less than 100,000 (currently all counties other than Clark and Washoe
7 Counties) is required to pay for the provision of indigent defense services for Fiscal
8 Year 2023-2024; and (2) a statutory formula for determining the maximum amount
9 that such a county may be required to pay for the provision of indigent defense
10 services for each fiscal year after Fiscal Year 2023-2024. **Section 2** also establishes
11 a statutory formula for determining the maximum amount that each county whose
12 population is 100,000 or more (currently Clark and Washoe Counties) is required to
13 pay for the provision of indigent defense services. **Section 2** additionally provides
14 that a county may seek state contributions for the provision of indigent defense
15 services in excess of the maximum county contribution after the county has
16 exceeded its maximum contribution but prohibits a county from seeking such state
17 contributions for the costs of any capital improvement projects relating to the
18 provision of indigent defense services. **Sections 4 and 6** of this bill make
19 conforming changes by replacing references to the maximum county contribution
20 being determined by the formula set forth in regulation with references to the
21 maximum county contribution being determined in accordance with **section 2**.

22 **Section 3** of this bill establishes the procedure by which a county may seek
23 state contributions for the provision of indigent defense services in excess of the
24 maximum county contribution on a quarterly basis.

25 **Section 6** of this bill authorizes the designee of a board of county
26 commissioners to perform certain actions otherwise performed by the board of
27 county commissioners with regard to certain corrective action plans.

28 Existing law requires the board of county commissioners of each county with a
29 public defender or which contracts for indigent defense services to provide an
30 annual report concerning the provision of indigent defense services to the
31 Department of Indigent Defense Services on or before May 1 of each year. (NRS
32 260.070) **Section 6.5** of this bill changes the required date of the submission of the
33 report to on or before May 31 of each year, unless the Department requires the
34 report to be provided on a quarterly basis.

35 **Section 7** of this bill makes an appropriation from the State General Fund to the
36 Interim Finance Committee for allocation to the Department to fund the: (1)
37 reimbursement of counties for costs in excess of their maximum contribution
38 amounts for the provision of indigent defense services; (2) costs of the Department
39 related to compliance with the *Davis v. State* (Nev. First Jud. Dist. Ct. Case No.
40 170C002271B (Aug. 11, 2020)) consent judgment; (3) costs of the Office of the
41 State Public Defender for contracting for legal services for complex cases; and (4)
42 costs for training and pay parity for attorneys who provide indigent defense
43 services.

44 **Section 7.3** of this bill makes an appropriation from the State General Fund to
45 the Department for certain costs related to pretrial release hearings that are or may
46 be conducted on a weekend or holiday. A portion of the appropriation must be
47 allocated to counties whose population is less than 100,000 for the payment of
48 stipends to: (1) prosecuting attorneys for being available to serve or serving as the
49 prosecuting attorney in a pretrial release hearing conducted on a weekend or
50 holiday; and (2) magistrates for being available to conduct or conducting a pretrial
51 release hearing on a weekend or holiday. The remaining portion of the
52 appropriation must be used by the Department for the payment of stipends to
53 attorneys for being available to represent or representing a defendant in a pretrial



54 release hearing conducted on a weekend or holiday in a county whose population is
55 less than 100,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 180 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *The maximum amount that a county may be*
4 *required to pay for the provision of indigent defense services*
5 *during a fiscal year is:*

6 *(a) In a county whose population is less than 100,000:*

7 *(1) For Fiscal Year 2023-2024, the applicable amount set*
8 *forth in the table below, as determined by the calculated maximum*
9 *contribution amount for the county for providing indigent defense*
10 *services for Fiscal Year 2022-2023, increased by the percentage*
11 *equal to the lesser of:*

12 *(I) The cost of inflation, as measured by the Consumer*
13 *Price Index for All Urban Consumers, West Region (All Items), as*
14 *published by the United States Department of Labor for the*
15 *immediately preceding calendar year or, if that index ceases to be*
16 *published by the United States Department of Labor, the published*
17 *index that most closely resembles that index, as determined by the*
18 *Department; or*

19 *(II) Five percent.*

21	<i>Carson City</i>	<i>\$1,903,177</i>
22	<i>Churchill</i>	<i>375,706</i>
23	<i>Douglas</i>	<i>892,658</i>
24	<i>Elko</i>	<i>1,946,335</i>
25	<i>Esmeralda</i>	<i>94,702</i>
26	<i>Eureka</i>	<i>41,808</i>
27	<i>Humboldt</i>	<i>493,319</i>
28	<i>Lander</i>	<i>102,569</i>
29	<i>Lincoln</i>	<i>187,530</i>
30	<i>Lyon</i>	<i>851,690</i>
31	<i>Mineral</i>	<i>95,963</i>
32	<i>Nye</i>	<i>866,049</i>
33	<i>Pershing</i>	<i>258,163</i>
34	<i>Storey</i>	<i>93,593</i>
35	<i>White Pine</i>	<i>461,448</i>

36
37 *(2) For each fiscal year after Fiscal Year 2023-2024, an*
38 *amount equal to the calculated maximum contribution amount for*
39 *the county for providing indigent defense services for the*



1 immediately preceding fiscal year, increased by the percentage
2 equal to the lesser of:

3 (I) The cost of inflation, as measured by the Consumer
4 Price Index for All Urban Consumers, West Region (All Items), as
5 published by the United States Department of Labor for the
6 immediately preceding calendar year or, if that index ceases to be
7 published by the United States Department of Labor, the published
8 index that most closely resembles that index, as determined by the
9 Department; or

10 (II) Five percent.

11 (b) In a county whose population is 100,000 or more:

12 (1) The actual costs to the county for providing indigent
13 defense services for the immediately preceding fiscal year; and

14 (2) The percentage equal to the lesser of:

15 (I) The cost of inflation, as measured by the Consumer
16 Price Index for All Urban Consumers, West Region (All Items), as
17 published by the United States Department of Labor for the
18 immediately preceding calendar year or, if that index ceases to be
19 published by the United States Department of Labor, the published
20 index that most closely resembles that index, as determined by the
21 Department; or

22 (II) Five percent.

23 2. If a county whose population is less than 100,000 chooses
24 to transfer to the State Public Defender the responsibility of
25 providing representation in:

26 (a) Direct appeals to the appellate court of competent
27 jurisdiction, the cost of providing representation in those cases is a
28 charge against the State and is excluded from the required
29 maximum contribution of the county.

30 (b) Death penalty cases, the State Public Defender shall submit
31 to the county an estimate for the representation. The county is
32 responsible for paying 25 percent of the estimate and shall make
33 such a payment in accordance with NRS 180.110. Such payments
34 count towards the maximum contribution of the county.

35 3. Except as otherwise provided in subsection 4, a county may
36 seek state contributions for the provision of indigent defense
37 services in excess of the maximum contribution of the county, as
38 determined pursuant to this section, after the county has exceeded
39 its maximum contribution.

40 4. A county may not seek state contributions for the provision
41 of indigent defense services in excess of the maximum
42 contribution of the county, as determined pursuant to this section,
43 for the costs of any capital improvement projects relating to the
44 provision of indigent defense services, including, without
45 limitation, costs relating to the construction of a room or area in a



1 *courthouse in which an attorney who provides indigent defense*
2 *services may consult with a client or any other capital*
3 *improvement project that is indirectly related to the provision of*
4 *indigent defense services.*

5 *5. Nothing in this section limits a county from expending*
6 *more than its maximum contribution for the provision of indigent*
7 *defense services, as determined pursuant to this section.*

8 **Sec. 3. 1.** *A county may seek state contributions for the*
9 *provision of indigent defense services in excess of the maximum*
10 *contribution of the county, as determined pursuant to section 2 of*
11 *this act, as follows:*

12 *(a) For a county whose population is less than 100,000, the*
13 *Executive Director shall include the estimated state contribution*
14 *for the county for the provision of indigent defense services, based*
15 *upon the annual reporting of the county pursuant to NRS 260.070,*
16 *in the budget for the Department to help support the indigent*
17 *defense services provided by the county.*

18 *(b) For a county whose population is 100,000 or more, if the*
19 *county intends to seek state contributions for the provision of*
20 *indigent defense services in excess of the maximum contribution*
21 *of the county, as determined pursuant to section 2 of this act, the*
22 *board of county commissioners for the county, or its designee,*
23 *shall notify the Department in writing of the intention of the*
24 *county to seek such contributions in the upcoming biennium, on a*
25 *form prescribed by the Department, on or before March 1 of the*
26 *next odd-numbered year. The Executive Director shall include the*
27 *state contribution for the county in the next budget for*
28 *the Department to help support the indigent defense services*
29 *provided by the county.*

30 *2. If a county seeks state contributions pursuant to subsection*
31 *1, the board of county commissioners for the county, or its*
32 *designee, shall submit a financial status report to the Department*
33 *on a form prescribed, and in accordance with the timeline*
34 *established, by the Department.*

35 **Sec. 4.** NRS 180.110 is hereby amended to read as follows:

36 180.110 1. Each fiscal year the State Public Defender may
37 collect from the counties amounts which do not exceed those
38 authorized by the Legislature for use of the State Public Defender's
39 services during that year. The amount that a county may be required
40 to pay must not exceed the maximum amount determined ~~using the~~
41 ~~formula established by the Board pursuant to NRS 180.320.~~ *in*
42 *accordance with section 2 of this act.*

43 2. The State Public Defender shall submit to the county an
44 estimate on or before the first day of May and that estimate becomes
45 the final bill unless the county is notified of a change within 2 weeks



1 after the date on which the county contribution is approved by the
2 Legislature. The county shall pay the bill:

3 (a) In full within 30 days after the estimate becomes the final
4 bill or the county receives the revised estimate; or

5 (b) In equal quarterly installments on or before the 1st day of
6 July, October, January and April, respectively.

7 ↪ The counties shall pay their respective amounts to the State
8 Public Defender who shall deposit the amounts with the Treasurer
9 of the State of Nevada and shall expend the money in accordance
10 with the State Public Defender's approved budget.

11 **Sec. 5.** NRS 180.320 is hereby amended to read as follows:

12 180.320 1. The Board on Indigent Defense Services shall:

13 (a) Receive reports from the Executive Director and provide
14 direction to the Executive Director concerning measures to be taken
15 by the Department to ensure that indigent defense services are
16 provided in an effective manner throughout this State.

17 (b) Review information from the Department regarding
18 caseloads of attorneys who provide indigent defense services.

19 (c) Direct the Executive Director to conduct any additional
20 audit, investigation or review the Board deems necessary to
21 determine whether minimum standards in the provision of indigent
22 defense services are being followed and provided in compliance
23 with constitutional requirements.

24 (d) Work with the Executive Director to develop procedures for
25 the mandatory collection of data concerning the provision of
26 indigent defense services, including the manner in which such
27 services are provided.

28 (e) Provide direction to the Executive Director concerning
29 annual reports and review drafts of such reports.

30 (f) Review and approve the budget for the Department.

31 (g) Review any recommendations of the Executive Director
32 concerning improvements to the criminal justice system and
33 legislation to improve the provision of indigent defense services in
34 this State.

35 (h) Provide advice and recommendations to the Executive
36 Director on any other matter.

37 2. In addition to the duties set forth in subsection 1, the Board
38 shall:

39 (a) Establish minimum standards for the delivery of indigent
40 defense services to ensure that such services meet the constitutional
41 requirements and do not create any type of economic disincentive or
42 impair the ability of the defense attorney to provide effective
43 representation.

44 (b) Establish a procedure to receive complaints and
45 recommendations concerning the provision of indigent defense



1 services from any interested person including, without limitation,
2 judges, defendants, attorneys and members of the public.

3 (c) Work with the Department to develop resolutions to
4 complaints or to carry out recommendations.

5 (d) Adopt regulations establishing standards for the provision of
6 indigent defense services including, without limitation:

7 (1) Establishing requirements for specific continuing
8 education and experience for attorneys who provide indigent
9 defense services.

10 (2) Requiring attorneys who provide indigent defense
11 services to track their time and provide reports, and requiring the
12 State Public Defender and counties that employ attorneys or
13 otherwise contract for the provision of indigent defense services to
14 require or include a provision in the employment or other contract
15 requiring compliance with the regulations.

16 (3) Establishing standards to ensure that attorneys who
17 provide indigent defense services track and report information in a
18 uniform manner.

19 (4) Establishing guidelines to be used to determine the
20 maximum caseloads for attorneys who provide indigent defense
21 services.

22 (5) Requiring the Department of Indigent Defense Services
23 and each county that employs or contracts for the provision of
24 indigent defense services to ensure, to the greatest extent possible,
25 consistency in the representation of indigent defendants so that the
26 same attorney represents a defendant through every stage of the case
27 without delegating the representation to others, except that
28 administrative and other tasks which do not affect the rights of the
29 defendant may be delegated. A provision must be included in each
30 employment or other contract of an attorney providing indigent
31 defense services to require compliance with the regulations.

32 (e) Establish recommendations for the manner in which an
33 attorney who is appointed to provide indigent defense services may
34 request and receive reimbursement for expenses related to trial,
35 including, without limitation, expenses for expert witnesses and
36 investigators.

37 (f) Work with the Executive Director and the Dean of the
38 William S. Boyd School of Law of the University of Nevada, Las
39 Vegas, or his or her designee, to determine incentives to recommend
40 offering to law students and attorneys to encourage them to provide
41 indigent defense services, especially in rural areas of the State.

42 (g) Review laws and recommend legislation to ensure indigent
43 defendants are represented in the most effective and constitutional
44 manner.



1 3. ~~[The Board shall adopt regulations to establish a formula for~~
2 ~~determining the maximum amount that a county may be required to~~
3 ~~pay for the provision of indigent defense services.~~

4 ~~—4.]~~ The Board shall adopt any additional regulations it deems
5 necessary or convenient to carry out the duties of the Board and the
6 provisions of this chapter.

7 **Sec. 6.** NRS 180.450 is hereby amended to read as follows:

8 180.450 1. If a corrective action plan is recommended
9 pursuant to NRS 180.440, the deputy director and the board of
10 county commissioners, *or its designee*, must collaborate on the
11 manner in which the county will meet the minimum standards for
12 the provision of indigent defense services and the time by which the
13 county must meet those minimum standards. Any disagreement
14 must be resolved by the Board. Each corrective action plan must be
15 submitted to and approved by the Board.

16 2. If the plan established pursuant to subsection 1 will cause
17 the county to expend more money than budgeted by the county in
18 the previous budget year plus inflation for the provision of indigent
19 defense services, the Executive Director shall include the additional
20 amount needed by the county in the next budget for the Department
21 of Indigent Defense Services to help support the indigent defense
22 services provided by the county. If additional money is needed to
23 carry out the plan before the next budget cycle, the Executive
24 Director shall submit a request to the Interim Finance Committee for
25 an allocation from the Contingency Account pursuant to NRS
26 353.266 to cover the additional costs.

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

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

39 5. Upon being informed by the deputy director pursuant to
40 subsection 4 that a county has not complied with a corrective action
41 plan, the Executive Director must review information regarding the
42 provision of indigent defense services in the county and determine
43 whether to recommend establishing another corrective action plan
44 with the board of county commissioners of the county ~~H~~, *or its*
45 *designee*. For a county that is not required to have an office of



1 public defender pursuant to NRS 260.010, the Executive Director
2 may instead recommend requiring the board of county
3 commissioners to transfer responsibility for the provision of all
4 indigent defense services for the county to the State Public
5 Defender. The recommendation of the Executive Director must be
6 submitted to and approved by the Board. Once approved, the board
7 of county commissioners shall comply with the decision of the
8 Board.

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

12 (a) The board of county commissioners for the county, *or its*
13 *designee*, shall notify the State Public Defender in writing on or
14 before November 1 of the next even-numbered year and the
15 responsibilities must transfer at a specified time on or after July 1 of
16 the odd-numbered year following the year in which the notice was
17 given, as determined by the Executive Director.

18 (b) The board of county commissioners for the county shall pay
19 the State Public Defender in the same manner and in an amount
20 determined in the same manner as other counties for which the State
21 Public Defender has responsibility for the provision of indigent
22 defense services. The amount that a county may be required to pay
23 must not exceed the maximum amount determined ~~fusing the~~
24 ~~formula established by the Board pursuant to NRS 180.320.~~ *in*
25 *accordance with section 2 of this act.*

26 **Sec. 6.5.** NRS 260.070 is hereby amended to read as follows:

27 260.070 1. The public defender shall make an annual report
28 to:

29 (a) The board of county commissioners covering all cases
30 handled by his or her office during the preceding year.

31 (b) The Department of Indigent Defense Services created by
32 NRS 180.400 which includes any information required by the
33 Department.

34 2. The board of county commissioners of each county with a
35 public defender or which contracts for indigent defense services
36 shall provide an annual report to the Department on or before
37 May ~~H~~ 31 of each year ~~H~~, *unless the Department requires the*
38 *report to be provided on a quarterly basis.* The report must include
39 any information requested by the Department concerning the
40 provision of indigent defense services in the county and must
41 include, without limitation, the plan for the provision of indigent
42 defense services for the county for the next fiscal year ~~H~~ *or, if the*
43 *Department requires the report to be provided on a quarterly basis,*
44 *for the next quarter.*



1 3. As used in this section, “indigent defense services” has the
2 meaning ascribed to it in NRS 180.004.

3 **Sec. 7.** 1. There is hereby appropriated from the State
4 General Fund to the Interim Finance Committee the sum of
5 \$6,306,880 in Fiscal Year 2023-2024 and the sum of \$6,613,033 in
6 Fiscal Year 2024-2025 for allocation to the Department of Indigent
7 Defense Services to fund:

8 (a) The reimbursement of counties for costs in excess of their
9 maximum contribution amounts for the provision of indigent
10 defense services, including, without limitation, the costs of
11 compliance with workload standards;

12 (b) The costs of the Department related to compliance with the
13 *Davis v. State* (Nev. First Jud. Dist. Ct. Case No. 170C002271B
14 (Aug. 11, 2020)) consent judgment;

15 (c) The costs of the Office of State Public Defender for
16 contracting for legal services for complex cases; and

17 (d) The costs for training and pay parity for attorneys who
18 provide indigent defense services.

19 2. Money appropriated by subsection 1 may only be allocated
20 by the Interim Finance Committee upon recommendation of the
21 Governor, and upon submittal by the Department of Indigent
22 Defense Services of documentation of the costs.

23 3. The sums appropriated by subsection 1 are available for
24 either fiscal year. Any remaining balance of those sums must not be
25 committed for expenditure after June 30, 2025, by the entity to
26 which the appropriation is made or any entity to which money from
27 the appropriation is granted or otherwise transferred in any manner,
28 and any portion of the appropriated money remaining must not be
29 spent for any purpose after September 19, 2025, by either the entity
30 to which the money was appropriated or the entity to which the
31 money was subsequently granted or transferred, and must be
32 reverted to the State General Fund on or before September 19, 2025.

33 **Sec. 7.3.** 1. There is hereby appropriated from the State
34 General Fund to the Department of Indigent Defense Services for
35 certain costs related to pretrial release hearings that are or may be
36 conducted on a weekend or holiday the following sums:

37 For the Fiscal Year 2023-2024..... \$1,474,200

38 For the Fiscal Year 2024-2025..... \$1,474,200

39 2. The sums appropriated pursuant to subsection 1 must be
40 allocated as follows:

41 (a) On or before August 1, 2023, and August 1, 2024, the
42 Executive Director of the Department of Indigent Defense Services
43 shall pay \$982,800 to the counties in this State whose population is
44 less than 100,000, with each county receiving the following
45 applicable amount:



1	Carson City.....	\$46,800
2	Churchill.....	46,800
3	Douglas.....	93,600
4	Elko.....	93,600
5	Esmeralda.....	46,800
6	Eureka.....	46,800
7	Humboldt.....	46,800
8	Lander.....	46,800
9	Lincoln.....	93,600
10	Lyon.....	93,600
11	Mineral.....	46,800
12	Nye.....	93,600
13	Pershing.....	46,800
14	Storey.....	46,800
15	White Pine.....	93,600
16		

17 (b) The remaining \$491,400 must be distributed to the
18 Department of Indigent Defense Services for the purposes set forth
19 in subsection 4.

20 3. Money allocated pursuant to paragraph (a) of subsection 2:

21 (a) Must be used only to pay a stipend of \$450 per day to a:

22 (1) District attorney, assistant district attorney, deputy district
23 attorney or other attorney employed by a district attorney for being
24 available on a weekend or holiday to serve as the prosecuting
25 attorney in a pretrial release hearing required by NRS 178.4849 or
26 for serving as the prosecuting attorney in any such pretrial release
27 hearing conducted on a weekend or holiday in a county whose
28 population is less than 100,000; or

29 (2) Magistrate for being available on a weekend or holiday to
30 conduct a pretrial release hearing required by NRS 178.4849 or for
31 conducting any such pretrial release hearing on a weekend or
32 holiday. As used in this subparagraph, "magistrate" means a judicial
33 officer who presides over a pretrial release hearing.

34 (b) Except as otherwise provided in paragraph (a), must not be
35 used to pay any other staffing costs, including, without limitation,
36 any staffing costs attributable to the courts, district attorneys, public
37 defenders or sheriffs.

38 4. Money distributed to the Department of Indigent Defense
39 Services pursuant to paragraph (b) of subsection 2 must be used
40 only to provide a stipend of \$450 per day to a public defender, the
41 State Public Defender or any other attorney employed by the public
42 defender or State Public Defender for being available on a weekend
43 or holiday to represent a defendant in a pretrial release hearing
44 required by NRS 178.4849 or to represent a defendant in any such



1 pretrial release hearing conducted on a weekend or holiday in a
2 county whose population is less than 100,000.

3 5. The expenditure of money allocated pursuant to paragraph
4 (a) of subsection 2 by a county is subject to an annual audit of the
5 county. Each county that receives money allocated pursuant to
6 paragraph (a) of subsection 2 shall provide, on or before October 1,
7 2024, and October 1, 2025, a report to the Director of the
8 Legislative Counsel Bureau, for transmittal to the Legislature and
9 the Department of Indigent Defense Services, that sets forth the
10 expenditure of such money for the immediately preceding fiscal
11 year.

12 6. Any remaining balance of the allocations made by paragraph
13 (a) of subsection 2 and the money distributed to the Department of
14 Indigent Defense Services pursuant to paragraph (b) of subsection 2
15 from the appropriation made by subsection 1 remaining at the end of
16 the respective fiscal years must not be committed for expenditure
17 after June 30 of the respective fiscal years by the entity to which the
18 appropriation is made or any entity to which money from the
19 appropriation is granted or otherwise transferred in any manner, and
20 any portion of the appropriated money remaining must not be spent
21 for any purpose after September 20, 2024, and September 19, 2025,
22 respectively, by either the entity to which the money was
23 appropriated or the entity to which the money was subsequently
24 granted or transferred, and must be reverted to the State General
25 Fund on or before September 20, 2024, and September 19, 2025,
26 respectively.

27 **Sec. 7.7.** The provisions of subsection 1 of NRS 218D.380 do
28 not apply to any provision of this act which adds or revises a
29 requirement to submit a report to the Legislature.

30 **Sec. 8.** This act becomes effective on July 1, 2023.



Senate Bill No. 479–Committee on Finance

CHAPTER.....

AN ACT making a supplemental appropriation to the Department of Indigent Defense Services for an unanticipated shortfall to fund costs in excess of the maximum contribution amounts of counties for the provision of indigent defense services; and providing other matters properly relating thereto.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Indigent Defense Services the sum of \$2,569,906 for an unanticipated shortfall to fund costs in excess of the maximum contribution amounts of counties for the provision of indigent defense services. This appropriation is supplemental to that made by section 80 of chapter 310, Statutes of Nevada 2021, at page 1822.

Sec. 2. This act becomes effective upon passage and approval.

