
GENERAL PROVISIONS

NRS 180.002 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 180.0025](#) to [180.004](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2017, 2940, 2943](#); A [2019, 2887, 2891](#))

NRS 180.0025 “Board” defined. “Board” means the Board on Indigent Defense Services created by [NRS 180.300](#).

(Added to NRS by [2019, 2880](#))

NRS 180.0031 “Department” defined. “Department” means the Department of Indigent Defense Services created by [NRS 180.400](#).

(Added to NRS by [2019, 2880](#))

NRS 180.0035 “Executive Director” defined. “Executive Director” means the Executive Director of the Department.

(Added to NRS by [2019, 2880](#))

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

1. An indigent person who is charged with a public offense; or
2. An indigent child who is:
 - (a) Alleged to be delinquent; or
 - (b) In need of supervision pursuant to title 5 of NRS.

(Added to NRS by [2017, 2940, 2943](#); A [2019, 2891](#))

NRS 180.006 Maximum contribution amount for county for provision of indigent defense services; state contributions for provision of indigent defense services in excess of maximum county contribution.

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

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

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

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

(II) Five percent.

Carson City.....	\$1,903,177
Churchill.....	375,706
Douglas.....	892,658
Elko.....	1,946,335
Esmeralda.....	94,702
Eureka.....	41,808
Humboldt.....	493,319
Lander.....	102,569
Lincoln.....	187,530
Lyon.....	851,690
Mineral.....	95,963
Nye.....	866,049
Pershing.....	258,163
Storey.....	93,593
White Pine.....	461,448

(2) For each fiscal year after Fiscal Year 2023-2024, an amount equal to the calculated maximum contribution amount for the county for providing indigent defense services for the immediately preceding fiscal year, increased by the percentage equal to the lesser of:

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

(II) Five percent.

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

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

(2) The percentage equal to the lesser of:

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

(II) Five percent.

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

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

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

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

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

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

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

(Added to NRS by [2023, 3057](#))

NRS 180.007 Procedure for seeking state contribution for provision of indigent defense services.

1. A county may seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as determined pursuant to [NRS 180.006](#), as follows:

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

(b) For a county whose population is 100,000 or more, if the county intends to seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as determined pursuant to [NRS 180.006](#), the board of county commissioners for the county, or its designee, shall notify the Department in writing of the intention of the county to seek such contributions in the upcoming biennium, on a form prescribed by the Department, on or before March 1 of the next odd-numbered year. The Executive Director shall include the state contribution for the county in the next budget for the Department to help support the indigent defense services provided by the county.

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

(Added to NRS by [2023, 3059](#))

NRS 180.008 Compensation and expenses of attorney appointed to represent defendant: Obligations of county; amounts that are not obligation of county.

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

(a) Transferred its responsibility for the provision of indigent defense services pursuant to [NRS 180.450](#); or

(b) Met the maximum amount as determined pursuant to [NRS 180.006](#).

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

(Added to NRS by [2023, 1888](#))

STATE PUBLIC DEFENDER

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

1. The Office of State Public Defender is hereby created within the Department of Indigent Defense Services.

2. The Governor shall appoint the State Public Defender for a term of 4 years, and until a successor is appointed and qualified.

3. The State Public Defender is responsible to the Executive Director.

4. The State Public Defender:

(a) Must be an attorney licensed to practice law in the State of Nevada.

(b) Is in the unclassified service of the State and serves at the pleasure of the Executive Director.

(c) Except as otherwise provided in [NRS 7.065](#), shall not engage in the private practice of law.

5. No officer or agency of the State, other than the Executive Director and the deputy director selected by the Executive Director pursuant to [NRS 180.420](#) who is responsible for carrying out the duties provided in [NRS 180.430](#) may supervise the State Public Defender. No officer or agency of the State, other than the Executive Director or deputy director selected by the Executive Director pursuant to [NRS 180.420](#) who is responsible for carrying out the duties provided in [NRS 180.430](#) may assign the State Public Defender duties in addition to those prescribed by this chapter.

(Added to NRS by [1971, 1410](#); A [1973, 707](#); [1977, 1176](#); [1989, 202](#); [1993, 1518](#); [2019, 2887](#))

NRS 180.030 Employment of deputies and other employees; qualifications of deputies.

1. The State Public Defender may employ:

(a) Deputy state public defenders in the unclassified service of the State.

(b) Clerical, investigative and other necessary staff in the classified service of the State.

2. Each deputy state public defender must be an attorney licensed to practice law in the State of Nevada, and shall not engage in the practice of law, except in performing the duties of office and as otherwise provided in [NRS 7.065](#).

(Added to NRS by [1971, 1411](#); A [1977, 159](#); [1981, 1270](#); [1985, 394](#); [1989, 202](#))

NRS 180.040 Office; branch offices.

1. The Office of the State Public Defender shall be in Carson City, Nevada, and the Buildings and Grounds Section of the State Public Works Division of the Department of Administration shall provide necessary office space.

2. The State Public Defender may establish branch offices necessary to perform the State Public Defender's duties. The State Public Defender shall designate a deputy state public defender to supervise each such office.

(Added to NRS by [1971, 1411](#))

NRS 180.050 Contracts for legal services.

1. The State Public Defender may contract with attorneys licensed to practice law in the State of Nevada and with county public defenders to provide services required by this chapter if it is impracticable for the State Public Defender or the State Public Defender's deputies to provide such services for any reason.

2. All such contract services shall be performed under the supervision and control of the State Public Defender.

(Added to NRS by [1971, 1411](#); A [1973, 706](#))

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](#) or [171.188](#), represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

(a) Counsel and defend the indigent person at every stage of the proceedings, including, without limitation, during the initial appearance and proceedings relating to admission to bail or the revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of [chapter 260](#) of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to [Section 4 of Article 6](#) of the Nevada Constitution, the State Public

Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.

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.

(Added to NRS by [1971, 1411](#); A [1973, 358](#); [1975, 41](#); [1977, 338](#); [1985, 1398](#); [2003, 1124](#); [2013, 1762](#); [2019, 2887](#); [2021, 2267](#))

NRS 180.080 Duties: Reports to Executive Director and participating counties.

1. The State Public Defender shall submit:

(a) A report on or before December 1 of each year to the Executive Director and to each participating county containing a statement of:

(1) The number of cases that are pending in each participating county;

(2) The number of cases in each participating county that were closed in the previous fiscal year;

(3) The total number of criminal defendants represented in each participating county with separate categories specifying the crimes charged and whether the defendant was less than 18 years of age or an adult;

(4) The total number of working hours spent by the State Public Defender and the State Public Defender's staff on work for each participating county;

(5) The amount and categories of the expenditures made by the State Public Defender's office; and

(6) Such other information as requested by the Executive Director of the Department of Indigent Defense Services or the Board on Indigent Defense Services.

(b) To each participating county, on or before December 1 of each even-numbered year, the total proposed budget of the State Public Defender for that county, including the projected number of cases and the projected cost of services attributed to the county for the next biennium.

2. As used in this section, "participating county" means each county in which the State Public Defender acts as the public defender for the county.

(Added to NRS by [1971, 1412](#); A [1977, 331](#); [1995, 498](#); [2019, 2888, 3127](#))

NRS 180.090 Application. Except as provided in subsections 4 and 5 of [NRS 180.060](#), the provisions of [NRS 180.010](#) to [180.100](#), inclusive, apply only to counties in which the office of public defender has not been created pursuant to the provisions of [chapter 260](#) of NRS.

(Added to NRS by [1971, 1412](#); A [1975, 42](#); [1977, 338](#); [2019, 2889](#))

NRS 180.100 Other protections and sanctions not excluded. The provisions of this chapter do not exclude any protection or sanction that the law otherwise provides.

(Added to NRS by [1971, 1412](#))

NRS 180.110 Collection of charges to counties for services.

1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender's services during that year. The amount that a county may be required to pay must not exceed the maximum amount determined in accordance with [NRS 180.006](#).

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

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

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

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

(Added to NRS by [1973, 719](#); A [1975, 714](#); [1977, 309](#); [1983, 528](#); [1991, 995](#); [2019, 2889](#); [2023, 3059](#))

BOARD ON INDIGENT DEFENSE SERVICES

NRS 180.300 Creation; members and appointing authorities; members serve without compensation; members holding public office or employed by governmental entity.

1. There is hereby created a Board on Indigent Defense Services within the Department of Indigent Defense Services, consisting of:

(a) Thirteen voting members appointed as follows:

(1) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada, appointed by the Majority Leader of the Senate.

(2) One member who has expertise in the finances of State Government, appointed by the Speaker of the Assembly.

(3) One member appointed by the Chief Justice of the Nevada Supreme Court who:

(I) Is a retired judge or justice who no longer serves as a judge or justice in any capacity;
or

(II) Has expertise in juvenile justice and criminal law.

(4) **One member** who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada appointed by the Governor.

(5) One member selected by the Board of Governors of the State Bar of Nevada, appointed by the Governor, who:

(I) Is an attorney licensed in this State and a member in good standing of the State Bar of Nevada; and

(II) Resides in a county whose population is less than 100,000.

(6) Four members selected by the Nevada Association of Counties who reside in a county whose population is less than 100,000, appointed by the Governor. One member must have expertise in the finances of local government.

(7) Two members selected by the Board of County Commissioners of Clark County, appointed by the Governor.

(8) One member selected by the Board of County Commissioners of Washoe County, appointed by the Governor.

(9) One member selected jointly by the associations of the State Bar of Nevada who represent members of racial or ethnic minorities, appointed by the Governor.

(b) The Chief Justice of the Nevada Supreme Court may designate one person to serve as a nonvoting member to represent the interests of the Court.

2. In addition to the members appointed pursuant to subsection 1, the Governor may appoint up to two additional nonvoting members, one of whom must be upon the recommendation of the Board of Governors of the State Bar of Nevada.

3. Each person appointed to the Board must have:

(a) **Significant experience providing legal representation** to indigent persons who are charged with public offenses or to children who are alleged to be delinquent or in need of supervision;

(b) **A demonstrated commitment to providing effective legal representation to such indigent persons;** or

(c) **Expertise or experience, as determined by the appointing authority, which qualifies the person to contribute to the purpose of the Board or to carrying out any of its functions.**

4. A person must not be appointed to the Board if he or she is currently serving or employed as:

(a) A judge, justice or judicial officer;

(b) A Legislator or other state officer or employee;

(c) A prosecuting attorney or an employee thereof;

(d) A law enforcement officer or employee of a law enforcement agency; or

(e) An attorney who in his or her position may obtain any financial benefit from the policies adopted by the Board.

5. A person must not be appointed to the Board if he or she is currently employed:

(a) Within the Department of Indigent Defense Services;

(b) By a public defender; or

(c) By any other attorney who provides indigent defense services pursuant to a contract with a county.

6. Each member of the Board:

(a) Serves without compensation; and

(b) While engaged in the business of the Board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Board who is an officer or employee of a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Board to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

(Added to NRS by [2019, 2880](#))

NRS 180.310 Terms and reappointment of voting members; selection of Chair; removal of voting members; vacancies; meetings; voting.

1. Except as otherwise provided in this section, the voting members of the Board on Indigent Defense Services are appointed for a term of 3 years and may be reappointed.

2. The Chair of the Board must be selected at the first meeting from among the voting members of the Board and serves until July 1 of the next year. The Chair for the following year must be selected

in the same manner before the expiration of the current term of the sitting Chair. The Chair may be selected to serve another term as Chair.

3. The Governor may remove a voting member of the Board for incompetence, neglect of duty, committing any act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause.

4. A vacancy on the Board must be filled in the same manner as the original appointment by the appointing authority for the remainder of the unexpired term.

5. The Board shall meet regularly upon a call of the Chair. An affirmative vote of a majority of the members of the Board is required to take any action.

(Added to NRS by [2019, 2882](#))

NRS 180.320 Duties of Board; adoption of regulations.

1. The Board on Indigent Defense Services shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) In all counties, an attorney who is appointed pursuant to [NRS 34.750](#) to represent a petitioner who files a postconviction petition for habeas corpus.

↪ 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, the establishment by regulation of rates of compensation pursuant to 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.

4. 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.

(Added to NRS by [2019, 2882](#); A [2023, 1888, 3060](#))

DEPARTMENT OF INDIGENT DEFENSE SERVICES

NRS 180.400 Creation; Executive Director; employment and contracts for consultants.

1. The Department of Indigent Defense Services is hereby created.

2. The Executive Director of the Department must be appointed by the Governor from a list of three persons recommended by the Board.

3. The Executive Director:

(a) Is in the unclassified service of this State;

(b) Serves at the pleasure of the Governor, except that the Executive Director may only be removed upon a **finding** of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause;

(c) Must be an attorney licensed to practice law in the State of Nevada; and

(d) Must devote his or her entire time to his or her duties and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of this chapter.

(Added to NRS by [2019, 2884](#))

NRS 180.410 Duties of Executive Director; annual report.

1. The Executive Director shall:

(a) Oversee all of the functions of the Department of Indigent Defense Services;

(b) Serve as the Secretary of the Board without additional compensation;

(c) **Report to the Board** on Indigent Defense Services regarding the work of the Department and provide such information to the Board as directed by the Board;

(d) **Assist the Board** in determining necessary and appropriate regulations to assist in carrying out the responsibilities of the Department;

(e) **Establish the proposed budget for the Department and submit the proposed budget for approval of the Board;**

(f) Prepare an annual report concerning indigent defense services in this State which includes information collected by the Department and such other information as requested by the Board; and

(g) Take any other actions necessary to ensure that adequate and appropriate indigent defense services are provided in this State.

2. The report prepared pursuant to paragraph (f) of subsection 1 must be submitted for input from the Board. **The final report must be submitted on or before July 1 of each year to the Nevada Supreme Court, the Legislature and the Office of the Governor.** The report may include any recommendations for legislation to improve indigent defense services in this State.

(Added to NRS by [2019, 2884](#))

NRS 180.420 Deputy directors.

1. In addition to the Executive Director, the Department must include not fewer than two deputy directors selected by the Executive Director who serve at the pleasure of the Executive Director.

2. The deputy directors:

(a) Must be attorneys licensed to practice law in the State of Nevada;

(b) Are in the unclassified service of this State; and

(c) Shall devote their entire time to their duties and shall not engage in any other gainful employment or occupation.

(Added to NRS by [2019, 2884](#))

NRS 180.430 Duties of designated Deputy Director. One deputy director selected pursuant to [NRS 180.420](#) must be responsible for:

1. Overseeing the provision of indigent defense services in counties whose population is less than 100,000. Such oversight must include, without limitation:

(a) Oversight of the State Public Defender; and

(b) Determining whether attorneys meet the requirements established by the Board on Indigent Defense Services to be eligible to provide indigent defense services and maintaining a list of such attorneys.

2. Developing and providing continuing legal education programs for attorneys who provide indigent defense services.

3. Identifying and encouraging best practices for delivering the most effective indigent defense services.

4. Providing assistance to counties that must revise the manner in which indigent defense services are provided as a result of the regulations adopted by the Board pursuant to [NRS 180.320](#). Such assistance may include, without limitation, assistance developing a plan and estimating the cost to carry out the plan.

(Added to NRS by [2019, 2885](#))

NRS 180.440 Duties of other designated Deputy Director. One deputy director selected pursuant to [NRS 180.420](#) must be responsible for reviewing the manner in which indigent defense services are provided throughout the State. To carry out this responsibility, the deputy director shall:

1. Obtain information from attorneys relating to caseloads, salaries paid to criminal defense attorneys and the manner in which indigent defense services are provided.

2. Conduct on-site visits of court proceedings throughout the State to determine the manner in which indigent defense services are provided, including, without limitation, whether:

(a) Minimum standards for the provision of indigent defense services established by the Board on Indigent Defense Services are being followed;

(b) Court rules regarding the provision of indigent defense services are being followed;

(c) Indigent defendants are being asked to provide reimbursement for their representation or to take any other actions that violate the constitution, any law, a court rule or a regulation of the Board; and

(d) Representation of indigent defendants is being provided in an effective manner.

3. Report to the other deputy director upon a determination that any person is providing indigent defense services in an ineffective or otherwise inappropriate manner.

4. Recommend entering into a corrective action plan with any board of county commissioners of a county which is not meeting the minimum standards for the provision of indigent defense services or is in any other manner deficient in the provision of such services.

(Added to NRS by [2019, 2885](#))

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, or its designee, 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, or its designee. 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 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, or its designee, shall notify the State Public Defender in writing on or before November 1 of the next even-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the odd-numbered year following the year in 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 in accordance with [NRS 180.006](#).

(Added to NRS by [2019, 2885](#); A [2021, 2268](#); [2023, 3061](#))

NRS 180.460 Transfer of responsibility for provision of indigent defense services.

1. A county that transfers responsibility for the provision of indigent defense services to the State Public Defender pursuant to [NRS 180.450](#) may seek to have the responsibility transferred back to the county by submitting a request to the Executive Director in writing on or before December 31 of an even-numbered year.

2. Upon finding that the county is able to meet minimum standards for the provision of indigent defense services, the Executive Director shall approve transferring the responsibility for the provision of indigent defense services to the county.

3. If the Executive Director denies a request to transfer responsibility for the provision of indigent defense services to a county, the Executive Director must inform the board of county commissioners for the county of the reasons for the denial and the issues that must be resolved before the responsibility for the provision of indigent defense services will be transferred to the county.

4. If the Executive Director approves a request to transfer responsibility for the provision of indigent defense services to the county, 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 year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.

(Added to NRS by [2019, 2887](#))

SPECIAL ACCOUNT FOR THE SUPPORT OF INDIGENT DEFENSE SERVICES

NRS 180.500 Grants, bequests, devises, donations or gifts; creation of Account; use of money in Account; nonreversion.

1. The Department may apply for and accept any available grants, 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 subsection 1 must be deposited in the Special Account for the Support of Indigent Defense Services, which is hereby created in the State General Fund. Interest

and income earned on money in the Account must be credited to the Account. Money in the Account may only be used to carry out the duties of the Department and the Board.

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.

(Added to NRS by [2021, 2267](#))

MISCELLANEOUS PROVISIONS

NRS 180.600 Confidentiality of certain records received, obtained or compiled by Board or Department.

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.

(Added to NRS by [2023, 527](#))