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Criminal Procedure; Credit Against Unpaid Fines or Assessments

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Criminal Procedure; credit towards parole

NEV. REV. STAT. §§179.225, 209.011, 209.071, 209.111, 209.131, 209.151, 209.161, 209.171, 209.181, 209.211, 209.239, 209.261, 209.291, 209.301, 209.311, 209.331, 209.341, 209.361, 209.381, 209.423, 209.433, 209.461, 209.511, 211.040, 212.030, 213.115, 213.1511, 213.1515, 213.160, 228.170, 444.330, 482.368, 617.135, 644.460 (amended); §209.091 (repealed).

SB 118 (Committee on Judiciary); 1983 STAT. Ch 295

Existing law provides that every offender sentenced to prison after June 30, 1969, will be allowed to deduct "good time credits"¹ from the maximum term imposed by the sentence.² In addition, these credits can be applied toward eligibility for parole.³ In *Demosthenes v. Williams*,⁴ the Nevada Supreme Court held that good time credits must be allowed to reduce an offender's minimum term regardless of whether a statute prescribes a minimum term that must be completed before the offender is eligible for parole.⁵ In an apparent response to this decision, Chapter 295 provides that good time credits cannot be applied to eligibility for parole if a statute specifies a minimum sentence that must be served before the offender can become eligible for parole.⁶

1. See NEV. REV. STAT. §209.443(1) (amended by 1983 Nev. Stat. c. 295, §25(1), at 723) (defines "good time" credits as credit for an incarcerated offender who has not recorded any serious infractions of the regulations of the institution, or laws of the state, and who performs assigned duties in a faithful, orderly, and peaceful manner). Chapter 295 also changes the definition of "facility", "manager", and "warden". 1983 Nev. Stat. c. 295, §§2, 4, at 719.

2. NEV. REV. STAT. §§209.443(1)-(2) (amended by 1983 Nev. Stat. c. 295, §25(2), at 724).

3. *Id.*; see also *Biffath v. Warden*, 95 Nev. 260, 262-63, 593 P.2d 51, 52 (1979) (interpreting these provisions as requiring that an enhanced penalty for use of a firearm in the commission of a crime be combined with the term of imprisonment imposed for the primary offense for purposes of computing credits).

4. 97 Nev. 611, 637 P.2d 1203 (1981).

5. *Id.* at 615, 637 P.2d at 1205.

6. NEV. REV. STAT. §209.443(5) (amended by 1983 Nev. Stat. c. 295, §25(5), at 724).

Criminal Procedure; credit against unpaid fines or assessments

NEV. REV. STAT. §176.— (new); §§176.065, 176.075, 176.085, 176.275 (amended).

AB 44 (Committee on Judiciary); 1983 STAT. Ch 375

(Effective July 1, 1983)*

Chapter 375 requires a defendant who pleads guilty or who is found guilty of a misdemeanor¹ to pay a ten dollar administrative assessment² in addition to the fine otherwise imposed.³ Furthermore, if a person is sentenced to prison for defaulting on the payment of a fine, forfeiture, or assessment, the person must be confined in a state prison or a city or county jail for an additional period of one day for each twenty-five dollars⁴ of the unsatisfied amount until the administrative assessment and the fine are satisfied, or until the maximum term of imprisonment prescribed by law has elapsed.⁵ In addition, indigent persons are exempted from the provisions of Chapter 375 concerning administrative assessments.⁶

Under existing law, if a fine (1) has been imposed but not discharged by either payment or confinement, and (2) appears to be excessive in comparison to the defendant's financial resources, the judge may reduce the fine accordingly, or direct that the fine be paid in installments.⁷ Chapter 375 extends these provisions to the imposition of an administrative assessment.⁸ Finally, existing law provides that a judgment imposing a fine constitutes a lien in the same manner as a judgment for money rendered in a civil action.⁹ Under Chapter 375, administrative assessments are also considered liens.¹⁰

* Sections 4 and 5 effective July 1, 1983

1. 1983 Nev. Stat. c. 375, §2(1), at 907 (including the violation of a municipal ordinance except those regulating metered parking).

2. Chapter 375 also apportions the administrative assessments collected to support municipal, justice and juvenile courts; development of a uniform system of judicial records; and continuing education for judicial and law enforcement personnel. See 1983 Nev. Stat. c. 375, §§2(3)-(4), 3, at 907-08.

3. *Id.* c. 375, §2(1), (2), at 907.

4. Compare NEV. REV. STAT. §176.065 (amended by 1983 Nev. Stat. c. 375, §4, at 908) with 1973 Nev. Stat. c. 33, §1, at 32 (amending NEV. REV. STAT. §176.065); NEV. REV. STAT. §176.075 (amended by 1983 Nev. Stat. c. 375, §5, at 908) with 1967 Nev. Stat. c. 523, §235, at 1433 (enacting NEV. REV. STAT. §176.075) (increasing the credit against unpaid fines or assessments from \$4 to \$25 per day).

5. NEV. REV. STAT. §§176.065 (amended by 1983 Nev. Stat. c. 375, §4(1), at 908), 176.075 (amended by 1983 Nev. Stat. c. 375, §5(1), at 908); see also 1983 Nev. Stat. c. 182, §§3-14, at 434-35 (making conforming changes in certain municipal charters chaptered in state law).

6. NEV. REV. STAT. §§176.065(2) (amended by 1983 Nev. Stat. c. 375, §4(2), at 908), 176.075(2) (amended by 1983 Nev. Stat. c. 375, §5(2), at 908).

7. *Id.* §176.085 (amended by 1983 Nev. Stat. c. 375, §6, at 908).

8. Compare *id.* with 1973 Nev. Stat. c. 309, §1, at 388 (amending NEV. REV. STAT. §176.085).

9. NEV. REV. STAT. §176.275 (amended by 1983 Nev. Stat. c. 375, §7, at 909).

10. Compare *id.* with 1977 Nev. Stat. c. 185, §2, at 337 (amending NEV. REV. STAT. §176.275).