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Criminal Procedure; Credit Against Unpaid Fines or Assessments

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Criminal Procedure; credit towards parole


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

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

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
Chapter 375 requires a defendant who pleads guilty or who is found guilty of a misdemeanor\(^1\) to pay a ten dollar administrative assessment\(^2\) 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 dollars\(^4\) 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.\(^10\)

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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), at 907-08.
3. Id. c. 375, §2(1), (2), at 907.