

Amendment No. 679

Assembly Amendment to Assembly Bill No. 480	(BDR 1-1076)
<b>Proposed by:</b> Assembly Committee on Ways and Means	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/BAW



Date: 5/19/2021

A.B. No. 480—Revises provisions governing legal services for indigent defendants. (BDR 1-1076)





ASSEMBLY BILL NO. 480—COMMITTEE ON WAYS AND MEANS

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

MAY 12, 2021

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing legal services for indigent defendants.  
(BDR 1-1076)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Executive Budget.

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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 various provisions relating to the appointment of attorneys; removing limitations on fees earned by certain attorneys; revising provisions relating to claims for compensation and expenses made by certain attorneys; creating the Special Account for the Support of Indigent Defense Services; revising certain deadlines for requirements placed on boards of county commissioners relating to the transfer of responsibility for the provision of indigent defense services to the State Public Defender; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law prohibits a magistrate, master or district court from appointing an attorney  
2 other than a public defender to represent a person charged with any offense or delinquent act  
3 unless the magistrate, master or district court finds that the public defender is disqualified  
4 from providing representation and explains the reasons for the disqualification. (NRS 7.115)  
5 **Section 5** of this bill provides that if the public defender is disqualified, the magistrate, master  
6 or district court is required to refer the selection of the attorney: (1) in a county whose  
7 population is less than 100,000 (currently all counties other than Clark and Washoe Counties),  
8 to the Department of Indigent Defense Services (hereinafter “Department”) or its designee in  
9 compliance with the plan of the county for the provision of indigent defense services; or (2) in  
10 a county whose population is 100,000 or more (currently Clark and Washoe Counties), in  
11 compliance with the plan of the county for the provision of indigent defense services.  
12 **Sections 11 and 17** of this bill, respectively, make similar changes in cases where: (1) a  
13 county public defender or the State Public Defender is unable to represent an indigent  
14 defendant or other good cause appears; and (2) a magistrate or district court decides to appoint  
15 an attorney other than or in addition to a county public defender for an indigent person.  
16 Existing law provides, in general, that an attorney other than a public defender who is  
17 appointed to represent or defend a person during any stage of a criminal proceeding is entitled  
18 to receive certain fees for his or her services. Existing law also places limits on the amount of  
19 the fee that such an attorney is able to receive but allows a court to grant a fee in excess of  
20 such limits in certain circumstances. (NRS 7.125) **Section 6** of this bill removes such limits.

Existing law further authorizes such an attorney to be reimbursed for certain expenses and employ persons to provide necessary investigative, expert or other services but places a limit on the compensation paid to any person providing those services. (NRS 7.135) **Section 7** of this bill provides that an attorney may be reimbursed for such expenses and employ such persons: (1) in a county whose population is less than 100,000, subject to the prior approval of the Department or its designee and in compliance with the plan of the county for the provision of indigent defense services; or (2) in a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services. **Section 7** also provides that a claim for compensation and expenses may be certified and approved by a judge if the claim is denied. Existing law further requires a claim for compensation and expenses to be submitted to a magistrate or district court, as applicable, not later than 60 days after the appointment of the attorney is terminated. (NRS 7.145) **Section 8** of this bill instead requires such a claim to be submitted within 60 days after representation is terminated: (1) in a county whose population is less than 100,000, to the Department or its designee in compliance with the plan of the county for the provision of indigent defense services; or (2) in a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services. **Section 8** also: (1) requires each claim to be reviewed and, if necessary, modified, and paid in compliance with the plan of the applicable county for the provision of indigent defense services; and (2) authorizes any dispute regarding the approval, denial or modification of a claim to be reviewed by the trial court.

**Section 9** of this bill requires, in general, the juvenile court to order the appointment of an attorney for a child who is alleged to be delinquent or in need of supervision and refer the selection of the attorney in the manner set forth in **section 5** in cases where the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child. Existing law authorizes the juvenile court to appoint an attorney for a parent or guardian of such a child in certain circumstances and provides that each appointed attorney, other than a public defender, is entitled to the same compensation and expenses as attorneys appointed to represent persons charged with criminal offenses. (NRS 62D.100) **Section 10** of this bill removes the exclusion of public defenders. **Section 18** of this bill makes the same change with regard to attorneys appointed in cases relating to children alleged to have been abused or neglected.

**Section 12** of this bill creates the Special Account for the Support of Indigent Defense Services. **Section 12** authorizes the Department to 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 the Board on Indigent Defense Services (hereinafter "Board") and requires the Department to deposit any money received in the Account.

Existing law establishes certain requirements for the board of county commissioners of a county that is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender. (NRS 180.450) **Section 14** of this bill revises certain deadlines relating to such requirements.

Existing law requires the Board to adopt certain regulations, including regulations establishing standards for the provision of indigent defense services. (NRS 180.320) Existing law also requires the compensation of the public defender of a county to be fixed by the board of county commissioners. (NRS 260.040) Section 15 of this bill requires that in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the compensation of the public defender of a county [to be fixed by the board of county commissioners in compliance with such] must comply with the regulations [Section 15 also removes a provision that requires deputies of a public defender] adopted by the Board.

Existing law provides that in a county whose population is 700,000 or more (currently Clark County) [to be], deputy public defenders are governed by the merit personnel system of the county. (NRS 260.040) Section 15 provides that the compensation of such deputy public defenders is not subject to the regulations adopted by the Board.

Existing law provides that a person who is alleged to be a person in a mental health crisis, or any relative or friend on behalf of the person, is entitled to retain counsel to represent the person in proceedings relating to the involuntary court-ordered admission of the person to a mental health facility or program of community-based or outpatient services. If the person fails or refuses to obtain counsel, the court is required to appoint counsel, who may be the public defender or a deputy of the public defender. (NRS 433A.270) **Section 19** of this bill

80 removes the provision requiring that such appointed counsel be the public defender or his or  
81 her deputy.

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

1       **Section 1.** Chapter 7 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2, 3 and 4 of this act.

3       **Sec. 2.** *As used in NRS 7.115 to 7.175, inclusive, and sections 2, 3 and 4 of*  
4 *this act, unless the context otherwise requires, the words and terms defined in*  
5 *sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

6       **Sec. 3.** *“Department” means the Department of Indigent Defense Services*  
7 *created by NRS 180.400.*

8       **Sec. 4.** *“Selection” means the choosing of an attorney to provide*  
9 *representational services for a person.*

10       **Sec. 5.** NRS 7.115 is hereby amended to read as follows:

11       7.115 A magistrate, master or ~~[a]~~ district court shall not ~~[appoint]~~ *order the*  
12 *appointment of* an attorney other than a public defender to represent a person  
13 charged with any offense or delinquent act by petition, indictment or information  
14 unless the magistrate, master or district court makes a finding, entered into the  
15 record of the case, that the public defender is disqualified from furnishing the  
16 representation and sets forth the ~~[reason or]~~ reasons for the disqualification. *If the*  
17 *public defender is disqualified, the magistrate, master or district court shall, after*  
18 *making a finding of the disqualification on the record and the reasons therefor,*  
19 *refer the selection of the attorney:*

20       1. *In a county whose population is less than 100,000, to the Department or*  
21 *its designee in compliance with the plan of the county for the provision of*  
22 *indigent defense services; or*

23       2. *In a county whose population is 100,000 or more, in compliance with the*  
24 *plan of the county for the provision of indigent defense services.*

25       **Sec. 6.** NRS 7.125 is hereby amended to read as follows:

26       7.125 ~~[1. Except as limited by subsections 2, 3 and 4, an]~~ *An* attorney, other  
27 than a public defender, who is ~~[appointed by a magistrate or a district court]~~  
28 *selected pursuant to NRS 7.115* to represent or defend a defendant at any stage of  
29 the criminal proceedings from the defendant’s initial appearance before the  
30 magistrate or the district court through the appeal, if any, is entitled to receive a fee  
31 for court appearances and other time reasonably spent on the matter to which the  
32 appointment is made of \$125 per hour in cases in which the death penalty is sought  
33 and \$100 per hour in all other cases. Except for cases in which the most serious  
34 crime is a felony punishable by death or by imprisonment for life with or without  
35 possibility of parole, this ~~[subsection]~~ *section* does not preclude a governmental  
36 entity from contracting with a private attorney who agrees to provide such services  
37 for a lesser rate of compensation.

38       ~~[2. Except as otherwise provided in subsection 4, the total fee for each~~  
39 ~~attorney in any matter regardless of the number of offenses charged or ancillary~~  
40 ~~matters pursued must not exceed:~~

41       ~~—(a) If the most serious crime is a felony punishable by death or by~~  
42 ~~imprisonment for life with or without possibility of parole, \$20,000;~~

43       ~~—(b) If the most serious crime is a felony other than a felony included in~~  
44 ~~paragraph (a) or is a gross misdemeanor, \$2,500;~~

45       ~~—(c) If the most serious crime is a misdemeanor, \$750;~~

- ~~— (d) For an appeal of one or more misdemeanor convictions, \$750; or~~
- ~~— (e) For an appeal of one or more gross misdemeanor or felony convictions, \$2,500.~~
- ~~— 3. Except as otherwise provided in subsection 4, an attorney appointed by a district court to represent an indigent petitioner for a writ of habeas corpus or other postconviction relief, if the petitioner is imprisoned pursuant to a judgment of conviction of a gross misdemeanor or felony, is entitled to be paid a fee not to exceed \$750.~~
- ~~— 4. If the appointing court because of:~~
  - ~~— (a) The complexity of a case or the number of its factual or legal issues;~~
  - ~~— (b) The severity of the offense;~~
  - ~~— (c) The time necessary to provide an adequate defense; or~~
  - ~~— (d) Other special circumstances,~~
- ~~➔ deems it appropriate to grant a fee in excess of the applicable maximum, the payment must be made, but only if the court in which the representation was rendered certifies that the amount of the excess payment is both reasonable and necessary and the payment is approved by the presiding judge of the judicial district in which the attorney was appointed, or if there is no such presiding judge or if he or she presided over the court in which the representation was rendered, then by the district judge who holds seniority in years of service in office.~~
- ~~— 5. The magistrate, the district court, the Court of Appeals or the Supreme Court may, in the interests of justice, substitute one appointed attorney for another at any stage of the proceedings, but the total amount of fees granted to all appointed attorneys must not exceed those allowable if but one attorney represented or defended the defendant at all stages of the criminal proceeding.]~~

**Sec. 7.** NRS 7.135 is hereby amended to read as follows:

7.135 ~~[The]~~

*1. An attorney ~~[appointed by a magistrate or district court]~~ who is selected pursuant to NRS 7.115 to represent a defendant is entitled, in addition to the fee provided by NRS 7.125 for the attorney’s services, to be reimbursed for expenses reasonably incurred by the attorney in representing the defendant and may employ ~~[, subject to the prior approval of the magistrate or the district court in an ex parte application,]~~ such investigative, expert or other services as may be necessary for an adequate defense ~~[. Compensation to any person furnishing such investigative, expert or other services must not exceed \$500, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is:~~*

~~— 1. Certified]:~~

*(a) In a county whose population is less than 100,000, subject to the prior approval of the Department or its designee and in compliance with the plan of the county for the provision of indigent defense services; or*

*(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.*

*2. If a claim for compensation and expenses made pursuant to subsection 1 is denied, the claim may be:*

*(a) Certified* by the trial judge of the court, or by the magistrate if the services were rendered in connection with a case disposed of entirely before the magistrate, as necessary to provide fair compensation for services of an unusual character or duration; and

~~[2.]~~ *(b) Approved* by the presiding judge of the judicial district in which the attorney was appointed or, if there is no presiding judge, by the district judge who holds seniority in years of service in office.

1           **Sec. 8.** NRS 7.145 is hereby amended to read as follows:

2           7.145 1. A claim for compensation and expenses made pursuant to NRS  
3 7.125 or 7.135 must not be paid unless it is submitted within 60 days after the  
4 ~~[appointment]~~ **representation** is terminated ~~[to:~~

5 ~~—(a) The magistrate in cases in which the representation was rendered~~  
6 ~~exclusively before the magistrate; and~~

7 ~~—(b) The district court in all other cases.];~~

8           **(a) In a county whose population is less than 100,000, to the Department or**  
9 **its designee in compliance with the plan of the county for the provision of**  
10 **indigent defense services; or**

11 **(b) In a county whose population is 100,000 or more, in compliance with the**  
12 **plan of the county for the provision of indigent defense services.**

13           2. Each claim must be ~~[supported];~~

14           **(a) Supported** by a sworn statement specifying the time expended in court, the  
15 services rendered out of court and the time expended therein, the expenses incurred  
16 while the case was pending and the compensation and reimbursement applied for or  
17 received in the same case from any other source. ~~[Except as otherwise provided for~~  
18 ~~the approval of payments in excess of the statutory limit, the magistrate or the court~~  
19 ~~to which the claim is submitted shall fix and certify the compensation and expenses~~  
20 ~~to be paid, and the amounts so certified must be paid in accordance with NRS~~  
21 ~~7.155.]~~

22 **(b) Reviewed and, if necessary, modified, and paid in compliance with the**  
23 **plan of the county for the provision of indigent defense services.**

24           **3. Any dispute regarding the approval, denial or modification of a claim**  
25 **may be reviewed by the trial court based upon reasonable and necessary**  
26 **standards.**

27           **Sec. 9.** NRS 62D.030 is hereby amended to read as follows:

28           62D.030 1. If a child is alleged to be delinquent or in need of supervision,  
29 the juvenile court shall advise the child and the parent or guardian of the child that  
30 the child is entitled to be represented by an attorney at all stages of the proceedings.

31           2. If a parent or guardian of a child is indigent, the parent or guardian may  
32 request the appointment of an attorney to represent the child pursuant to the  
33 provisions in NRS 171.188.

34           3. Except as otherwise provided in this section, the juvenile court shall  
35 ~~[appoint]~~ **order the appointment of** an attorney for a child **and refer the selection**  
36 **of the attorney in the manner set forth in NRS 7.115** if the parent or guardian of  
37 the child does not retain an attorney for the child and is not likely to retain an  
38 attorney for the child.

39           4. A child may waive the right to be represented by an attorney if:

40           (a) A petition is not filed and the child is placed under informal supervision  
41 pursuant to NRS 62C.200; or

42           (b) A petition is filed and the record of the juvenile court shows that the waiver  
43 of the right to be represented by an attorney is made knowingly, intelligently,  
44 voluntarily and in accordance with any applicable standards established by the  
45 juvenile court.

46           5. Except as otherwise provided in NRS 424.085, if the juvenile court  
47 ~~[appoints]~~ **orders the appointment of** an attorney to represent a child ~~[ ]~~ **and refers**  
48 **the selection of the attorney in the manner set forth in NRS 7.115,** the parent or  
49 guardian must not be required to pay the fees and expenses of the attorney.

50           6. Each attorney, other than a public defender, who is appointed under the  
51 provisions of this section is entitled to the same compensation and expenses from  
52 the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to  
53 represent persons charged with criminal offenses.

1       **Sec. 10.** NRS 62D.100 is hereby amended to read as follows:

2       62D.100 1. A parent or guardian of a child who is alleged to be delinquent  
3 or in need of supervision may be represented by an attorney at all stages of the  
4 proceedings. The juvenile court may not appoint an attorney for a parent or  
5 guardian, unless the juvenile court:

- 6       (a) Finds that such an appointment is required in the interests of justice; and  
7       (b) Specifies in the record the reasons for the appointment.

8       2. Each attorney ~~[, other than a public defender,]~~ who is appointed pursuant to  
9 subsection 1 is entitled to the same compensation and expenses from the county as  
10 is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons  
11 charged with criminal offenses.

12       **Sec. 11.** NRS 171.188 is hereby amended to read as follows:

13       171.188 1. Any defendant charged with a public offense who is an indigent  
14 may, by oral statement to the district judge, justice of the peace, municipal judge or  
15 master, request the appointment of an attorney to represent the defendant. The  
16 record in each such case must indicate that the defendant was provided an  
17 opportunity to make an oral statement and whether the defendant made such a  
18 statement or declined to request the appointment of an attorney. If the defendant  
19 declined to request the appointment of an attorney, the record must also indicate  
20 that the decision to decline was made knowingly and voluntarily and with an  
21 understanding of the consequences.

22       2. The request must be accompanied by the defendant's affidavit, which must  
23 state:

- 24       (a) That the defendant is without means of employing an attorney; and  
25       (b) Facts with some particularity, definiteness and certainty concerning the  
26 defendant's financial disability.

27       3. The district judge, justice of the peace, municipal judge or master shall  
28 forthwith consider the application and shall make such further inquiry as he or she  
29 considers necessary. If the district judge, justice of the peace, municipal judge or  
30 master:

- 31       (a) Finds that the defendant is without means of employing an attorney; and  
32       (b) Otherwise determines that representation is required,

33       ↪ the judge, justice or master shall designate the public defender of the county or  
34 the State Public Defender, as appropriate, to represent the defendant.

35       4. If the appropriate public defender is unable to represent the defendant, or  
36 other good cause appears, *the judge, justice or master shall order the appointment*  
37 *of another attorney [must be appointed.*  
38 ~~—4.] and refer the selection of the attorney:~~

39       *(a) In a county whose population is less than 100,000, to the Department of*  
40 *Indigent Defense Services or its designee in compliance with the plan of the*  
41 *county for the provision of indigent defense services; or*

42       *(b) In a county whose population is 100,000 or more, in compliance with the*  
43 *plan of the county for the provision of indigent defense services.*

44       5. The county or State Public Defender must be reimbursed by the city for  
45 costs incurred in appearing in municipal court. The county shall reimburse the State  
46 Public Defender for costs incurred in appearing in Justice Court, unless the county  
47 has transferred the responsibility to provide all indigent defense services for the  
48 county to the State Public Defender pursuant to NRS 180.450. If a private attorney  
49 is appointed as provided in this section, the private attorney must be reimbursed by  
50 the county for appearance in Justice Court or the city for appearance in municipal  
51 court. ~~[in an amount not to exceed \$75 per case.]~~



1       **Sec. 12.** Chapter 180 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       1. *The Department may apply for and accept any available grants, bequests,*  
4 *devises, donations or gifts from any public or private source to carry out the*  
5 *duties of the Department and Board.*

6       2. *Any money received pursuant to subsection 1 must be deposited in the*  
7 *Special Account for the Support of Indigent Defense Services, which is hereby*  
8 *created in the State General Fund. Interest and income earned on money in the*  
9 *Account must be credited to the Account. Money in the Account may only be used*  
10 *to carry out the duties of the Department and the Board.*

11       3. *Any money in the Account remaining at the end of a fiscal year does not*  
12 *revert to the State General Fund, and the balance in the Account must be carried*  
13 *forward to the next fiscal year.*

14       **Sec. 13.** NRS 180.060 is hereby amended to read as follows:

15       180.060 1. The State Public Defender may, before being designated as  
16 counsel for that person pursuant to NRS 171.188, interview an indigent person  
17 when the indigent person has been arrested and confined for a public offense or for  
18 questioning on suspicion of having committed a public offense.

19       2. The State Public Defender shall, when designated pursuant to NRS  
20 62D.030 ~~[- 62D.100,]~~ or 171.188 , ~~[or 432B.420,]~~ represent without charge each  
21 indigent person for whom the State Public Defender is appointed.

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

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

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

28       4. In cases of postconviction proceedings and appeals arising in counties in  
29 which the office of public defender has been created pursuant to the provisions of  
30 chapter 260 of NRS, where the matter is to be presented to the appellate court of  
31 competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to  
32 Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall  
33 prepare and present the case and the public defender of the county shall assist and  
34 cooperate with the State Public Defender.

35       5. The State Public Defender may contract with any county in which the  
36 office of public defender has been created to provide representation for indigent  
37 persons when the court, for cause, disqualifies the county public defender or when  
38 the county public defender is otherwise unable to provide representation.

39       **Sec. 14.** NRS 180.450 is hereby amended to read as follows:

40       180.450 1. If a corrective action plan is recommended pursuant to NRS  
41 180.440, the deputy director and the board of county commissioners must  
42 collaborate on the manner in which the county will meet the minimum standards for  
43 the provision of indigent defense services and the time by which the county must  
44 meet those minimum standards. Any disagreement must be resolved by the Board.  
45 Each corrective action plan must be submitted to and approved by the Board.

46       2. If the plan established pursuant to subsection 1 will cause the county to  
47 expend more money than budgeted by the county in the previous budget year plus  
48 inflation for the provision of indigent defense services, the Executive Director shall  
49 include the additional amount needed by the county in the next budget for the  
50 Department of Indigent Defense Services to help support the indigent defense  
51 services provided by the county. If additional money is needed to carry out the plan  
52 before the next budget cycle, the Executive Director shall submit a request to the

1 Interim Finance Committee for an allocation from the Contingency Account  
2 pursuant to NRS 353.266 to cover the additional costs.

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

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

13 5. Upon being informed by the deputy director pursuant to subsection 4 that a  
14 county has not complied with a corrective action plan, the Executive Director must  
15 review information regarding the provision of indigent defense services in the  
16 county and determine whether to recommend establishing another corrective action  
17 plan with the board of county commissioners of the county. For a county that is not  
18 required to have an office of public defender pursuant to NRS 260.010, the  
19 Executive Director may instead recommend requiring the board of county  
20 commissioners to transfer responsibility for the provision of all indigent defense  
21 services for the county to the State Public Defender. The recommendation of the  
22 Executive Director must be submitted to and approved by the Board. Once  
23 approved, the board of county commissioners shall comply with the decision of the  
24 Board.

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

28 (a) The board of county commissioners for the county shall notify the State  
29 Public Defender in writing on or before ~~March~~ *November* 1 of the next ~~odd~~  
30 *even*-numbered year and the responsibilities must transfer at a specified time on or  
31 after July 1 of the ~~same~~ *odd-numbered year following the* year in which the  
32 notice was given, as determined by the Executive Director.

33 (b) The board of county commissioners for the county shall pay the State  
34 Public Defender in the same manner and in an amount determined in the same  
35 manner as other counties for which the State Public Defender has responsibility for  
36 the provision of indigent defense services. The amount that a county may be  
37 required to pay must not exceed the maximum amount determined using the  
38 formula established by the Board pursuant to NRS 180.320.

39 **Sec. 15.** NRS 260.040 is hereby amended to read as follows:

40 260.040 1. The compensation of the public defender must be fixed by the  
41 board of county commissioners ~~[- in compliance]~~ *and, in counties whose*  
42 *population is less than 100,000, must comply with the regulations adopted by the*  
43 *Board on Indigent Defense Services pursuant to NRS 180.320.* The public  
44 defender of any two or more counties must be compensated and be permitted  
45 private civil practice of the law as determined by the boards of county  
46 commissioners of those counties, subject to the provisions of subsection 4 of this  
47 section and NRS 7.065.

48 2. The public defender may appoint as many deputies or assistant attorneys,  
49 clerks, investigators, stenographers and other employees as the public defender  
50 considers necessary to enable him or her to carry out his or her responsibilities,  
51 with the approval of the board of county commissioners. An assistant attorney must  
52 be a qualified attorney licensed to practice in this State and may be placed on a  
53 part-time or full-time basis. The appointment of a deputy, assistant attorney or other

1 employee pursuant to this subsection must not be construed to confer upon that  
 2 deputy, assistant attorney or other employee policymaking authority for the office  
 3 of the public defender or the county or counties by which the deputy, assistant  
 4 attorney or other employee is employed.

5 3. The compensation of persons appointed under subsection 2 must be fixed  
 6 by the board of county commissioners of the county or counties so served.

7 4. The public defender and his or her deputies and assistant attorneys in a  
 8 county whose population is less than 100,000 may engage in the private practice of  
 9 law. Except as otherwise provided in this subsection, in any other county, the public  
 10 defender and his or her deputies and assistant attorneys shall not engage in the  
 11 private practice of law except as otherwise provided in NRS 7.065. An attorney  
 12 appointed to defend a person for a limited duration with limited jurisdiction may  
 13 engage in private practice which does not present a conflict with his or her  
 14 appointment.

15 5. The board of county commissioners shall provide office space, furniture,  
 16 equipment and supplies for the use of the public defender suitable for the conduct  
 17 of the business of his or her office. However, the board of county commissioners  
 18 may provide for an allowance in place of facilities. Each of those items is a charge  
 19 against the county in which public defender services are rendered. If the public  
 20 defender serves more than one county, expenses that are properly allocable to the  
 21 business of more than one of those counties must be prorated among the counties  
 22 concerned.

23 6. In a county whose population is 700,000 or more, deputies are governed by  
 24 the merit personnel system of the county ~~§~~, and their compensation is not subject  
 25 to the regulations adopted by the Board on Indigent Defense Services pursuant to  
 26 NRS 180.320.

27 **Sec. 16.** NRS 260.050 is hereby amended to read as follows:

28 260.050 1. The public defender may, before being designated as counsel for  
 29 that person pursuant to NRS 171.188, interview an indigent person when he or she  
 30 has been arrested and confined for a public offense or for questioning on suspicion  
 31 of having committed a public offense.

32 2. The public defender shall, when designated pursuant to NRS 62D.030 ~~§~~ or  
 33 171.188 , ~~for 432B.420,~~ represent without charge each indigent person for whom  
 34 he or she is appointed.

35 3. When representing an indigent person, the public defender shall:

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

39 (b) Prosecute, subject to the provisions of subsection 4 of NRS 180.060, any  
 40 appeals or other remedies before or after conviction that he or she considers to be in  
 41 the interests of justice.

42 **Sec. 17.** NRS 260.060 is hereby amended to read as follows:

43 260.060 For cause, the magistrate or district court may, on its own motion or  
 44 upon motion of the public defender or the indigent person, ~~appoint~~ *order the*  
 45 *appointment of another attorney* and ~~compensate out of county funds~~ *refer the*  
 46 *selection of the attorney in the manner set forth in NRS 7.115. Such* an attorney :

47 1. *May be* other than, or in addition to, the public defender to represent such  
 48 indigent person at any stage of the proceedings or on appeal in accordance with the  
 49 laws of this state pertaining to the appointment of counsel to represent indigent  
 50 criminal defendants.

51 2. *Must be compensated out of county funds.*

1       **Sec. 18.** NRS 432B.420 is hereby amended to read as follows:

2       432B.420 1. A parent or other person responsible for the welfare of a child  
3 who is alleged to have abused or neglected the child may be represented by an  
4 attorney at all stages of any proceedings under NRS 432B.410 to 432B.590,  
5 inclusive. Except as otherwise provided in subsection 3, if the person is indigent,  
6 the court may appoint an attorney to represent the person.

7       2. A child who is alleged to have been abused or neglected shall be deemed to  
8 be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive. The  
9 court shall appoint an attorney to represent the child. The child must be represented  
10 by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to  
11 432B.590, inclusive. The attorney representing the child has the same authority and  
12 rights as an attorney representing any other party to the proceedings.

13       3. If the court determines that the parent of an Indian child for whom  
14 protective custody is sought is indigent, the court:

15       (a) Shall appoint an attorney to represent the parent; and

16       (b) May apply to the Secretary of the Interior for the payment of the fees and  
17 expenses of such an attorney,

18       ✓ as provided in the Indian Child Welfare Act.

19       4. Each attorney, other than ~~[-a public defender or]~~ an attorney compensated  
20 through a program for legal aid described in NRS 19.031 and 247.305, if appointed  
21 under the provisions of subsection 1 or 2, is entitled to the same compensation and  
22 payment for expenses from the county as provided in NRS 7.125 and 7.135 for an  
23 attorney appointed to represent a person charged with a crime.

24       **Sec. 19.** NRS 433A.270 is hereby amended to read as follows:

25       433A.270 1. The person alleged to be a person in a mental health crisis or  
26 any relative or friend on the person's behalf is entitled to retain counsel to represent  
27 the person in any proceeding before the district court relating to involuntary court-  
28 ordered admission, and if he or she fails or refuses to obtain counsel, the court shall  
29 advise the person and the person's guardian or next of kin, if known, of such right  
30 to counsel and shall appoint counsel. ~~[-, who may be the public defender or his or  
31 her deputy.]~~

32       2. Any counsel appointed pursuant to subsection 1 must be awarded  
33 compensation by the court for his or her services in an amount determined by it to  
34 be fair and reasonable. The compensation must be charged against the estate of the  
35 person for whom the counsel was appointed or, if the person is indigent, against the  
36 county where the person alleged to be a person in a mental health crisis last resided.

37       3. The court shall, at the request of counsel representing the person alleged to  
38 be a person in a mental health crisis in proceedings before the court relating to  
39 involuntary court-ordered admission, grant a recess in the proceedings for the  
40 shortest time possible, but for not more than 5 days, to give the counsel an  
41 opportunity to prepare his or her case.

42       4. If the person alleged to be a person in a mental health crisis is involuntarily  
43 admitted to a program of community-based or outpatient services, counsel shall  
44 continue to represent the person until the person is released from the program. The  
45 court shall serve notice upon such counsel of any action that is taken involving the  
46 person while the person is admitted to the program of community-based or  
47 outpatient services.

48       5. Each district attorney or his or her deputy shall appear and represent the  
49 State in all involuntary court-ordered admission proceedings in the district  
50 attorney's county. The district attorney is responsible for the presentation of  
51 evidence, if any, in support of the involuntary court-ordered admission of a person  
52 to a mental health facility or to a program of community-based or outpatient  
53 services in proceedings held pursuant to NRS 433A.200 and 433A.210.

1        **Sec. 20.** This act becomes effective on July 1, 2021.