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## Criminal Law; Restitution Centers

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36. The system of criminal history records maintained by the Clark County data processing facility, known as SCOPE, is designated as a temporary repository for Nevada criminal history records. Ch. 689 §19.
37. Ch. 689 §9 (adding to NRS Title 14).
38. Id. §9 ¶1 (adding to NRS Title 14).
39. Id. §9 ¶2 (adding to NRS Title 14).
40. Id. §9 ¶3 (adding to NRS Title 14).
41. Id. §9 ¶4 (adding to NRS Title 14).
42. Id. §9 ¶5 (adding to NRS Title 14).
43. Id. §13 (adding to NRS Title 14).
44. Id. §13 ¶1 (adding to NRS Title 14).
45. Id. §13 ¶5 (adding to NRS Title 14).
46. Id. §13 ¶4 (adding to NRS Title 14).
47. Id. §13 ¶2 (adding to NRS Title 14).
48. Id. §13 ¶3 (adding to NRS Title 14).
49. Id. §13 (adding to NRS Title 14).
50. Id. §15 ¶1 (adding to NRS Title 14).
51. Id. §15 ¶3 (adding to NRS Title 14).
52. Id. §15 ¶1 (adding to NRS Title 14).
53. Id. §15 ¶2 (adding to NRS Title 14).
54. Id. §15 ¶4 (adding to NRS Title 14). See also 28 CFR app. §20.21(g)(1) (1977).
55. Ch. 689 §15 ¶4 (adding to NRS Title 14).
56. Id.
57. Ch. 689 §18 (adding to NRS Title 14).

#### CRIMINAL LAW; RESTITUTION CENTERS

AB 804 (Mann); STATS 1979, Ch 422

Chapter 422 is an experimental law<sup>1</sup> which creates centers to house offenders within a community while they work to pay restitution to their victims.<sup>2</sup> Under existing law, victims of crime are entitled to compensation from the state.<sup>3</sup> Chapter 422 allows victims (including commercial and corporate victims)<sup>4</sup> to be compensated by offenders.<sup>5</sup>

The director of the department of prisons (hereinafter "director") is empowered to establish restitution centers and assign offenders<sup>6</sup> to them.<sup>7</sup> Assignments to centers may be made only when the following conditions are met: 1) the offender requests the assignment;<sup>8</sup> 2) the offender is suitable for assignment as determined by an evaluation of the offender's record, needs, and custody requirements;<sup>9</sup> 3) the victim's claim for restitution is valid;<sup>10</sup> and 4) the offender assigns wages earned to the department of prisons.<sup>11</sup>

The offender and director form an agreement providing for a schedule of restitution payments.<sup>12</sup> The offender's wages are used to pay restitution and to partially offset housing, food, and medical/dental expenses while the offender is housed at the restitution center.<sup>13</sup>

In order to be eligible for restitution payments, the victim must file a claim with the director while the offender is incarcerated.<sup>14</sup> Validity of the victim's claim is not determined until after the offender requests assignment to a restitution center and is found suitable.<sup>15</sup> The director then determines the amount of restitution due the victim or the victim's dependents,<sup>16</sup> considering: 1) medical expenses, including psychiatric treatment;<sup>17</sup> 2) expenses for nonmedical remedial care, including psychological treatment;<sup>18</sup> 3) funeral expenses;<sup>19</sup> 4) loss of earnings or financial support;<sup>20</sup> 5) damage to or loss of property;<sup>21</sup> 6) other economic losses;<sup>22</sup> 7) loss of companionship and pain and suffering;<sup>23</sup> 8) any payments claimant has received or is legally entitled to receive as a result of the injury;<sup>24</sup> and 9) conduct of the victim contributing to the injury.<sup>25</sup> Unless an appeal is pending, conviction is conclusive proof that the offense has been committed.<sup>26</sup>

Restitution payments will terminate if the offender is reassigned to another institution which is not a restitution center,<sup>27</sup> when the offender is released, although continued restitution may be a condition of parole,<sup>28</sup> or when the victim has been fully compensated,<sup>29</sup> whichever occurs first.<sup>30</sup>

Noreen M. Evans

## FOOTNOTES

1. Chapter 422 expires by limitation on July 1, 1981, unless reenacted by the legislature (1979 Nev. Stats. ch. 422 (hereinafter "Ch. 422") §7.
2. Although Ch. 422 creates centers to house working offenders, it contains no provisions to place those offenders with employers. See generally 1979 Nev. Stats. ch. 422 Cf., NRS 213.320(1)(a) (chief parole and probation officer shall locate employment for participants in work release program).
3. See generally NRS Ch. 217.
4. Ch. 422 §6.
5. Id. §7.
6. "Offender" is defined as a person convicted of a crime and sentenced to imprisonment in the state prison (Ch. 422 §5), but Ch. 422 does not specify the type of offender (e.g., nonviolent offender, juvenile offender) who is eligible to participate in this program. See NRS 209.492 for the status of an offender participating in work or educational programs.
7. Ch. 422 §8.
8. Id. §8 ¶1.
9. Id. §8 ¶2. Evaluation is made pursuant to NRS 209.341 (as amended by 1979 Nev. Stats. ch. 571 §3).
10. Ch. 422 §8 ¶3.
11. Id. §§8 ¶4, 15 ¶1.
12. Id. §§11 ¶2.
13. Id. §§9, 11 ¶1, 15 ¶2. Cf., NRS 213.330 (wages paid to an offender participating in work release program used for offender's expenses and obligations).
14. Ch. 422 §10.
15. Id. §10 ¶1.
16. Id. §12.
17. Id. §12 ¶1(a).
18. Id. §12 ¶1(b).
19. Id. §12 ¶1(c).
20. Id. §12 ¶1(d).
21. Id. §12 ¶1(e).
22. Id. §12 ¶1(f).
23. Id. §12 ¶2.

24. Id. §12 ¶ 3.
25. Id. §12 ¶ 4. Chapter 422 does not specify how the contributory nature of the victim's conduct is to be determined.
26. Id. §13.
27. Id. §14 ¶ 1.
28. Id. §14 ¶ 2.
29. Id. §14 ¶ 3.
30. See generally, Harland, Compensating the Victims of Crime, 14 CRIM. L. BULL. 243 (1977) and Reno Gazette, Journal, July 22, 1979, at 33, col. 1 for analyses of restitution programs in other jurisdictions.

CRIMINAL LAW; TELEVISION, BROADCASTING,  
FILMING OF JUDICIAL PROCEEDINGS

Repeals NRS 1.220, 178.604

AB 571 (coulter); STATS 1979, Ch 213

Chapter 213 repeals the statutory prohibitions against television in the courtroom. Prior law prohibited the taking of photographs in the courtroom<sup>1</sup> and the broadcasting or filming of court proceedings.<sup>2</sup> Chapter 213, by repealing these restrictions, appears to leave the matter to the court's discretion and the desire of the participants.<sup>3</sup>

Comment

Two major interests must be balanced in the controversy surrounding television in the courtroom: the public's right to know as protected by the first Amendment versus the defendant's right to a fair trial as protected by the Fifth and Fourteenth Amendment. In protecting the defendant's right to a fair trial, it must be determined if 1) the mere presence of the cameras will endanger due process of law, and 2) the publicity engendered by television broadcasts will deprive the defendant due process of law.

When the television cameras enter the courtroom, there may be a psychological effect upon the participant's in the trial.<sup>4</sup> Attorneys may speak to the camera,