



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RESCINDING RESOLUTION 18-012, PUBLIC DEFENDER USER FEE SCHEDULE

WHEREAS, the Public Defender's Office has the statutory and Constitutional obligation to defend indigent persons accused of committing criminal offenses; and

WHEREAS, Government Code sections 27706, 27712, 27750, and 27752 and Penal Code sections 987, 987.4, 987.5, 987.8 and 987.81 have previously permitted the court to order the reimbursement to the County for the costs of the appointment of the Public Defender's Office for adult indigent defendants; and

WHEREAS, Assembly Bill 1869 (effective September 18, 2020) amended and/or rescinded Government Code sections 27706, 27712, 27750, and 27752 and Penal Code sections 987, 987.4, 987.5, 987.8 and 987.81 as of July 1, 2021; and

WHEREAS, the changes enacted by Assembly Bill 1869 repeals county authority to charge for legal representation for indigent persons; and

WHEREAS, Assembly Bill 1869 added Penal Code section 1465.9 which deems that any and all previously imposed court costs pursuant to Penal Code sections 987.4, 987.5 and 987.8 shall be unenforceable and uncollectible and any portion of a judgement imposing those costs shall be vacated; and

WHEREAS, in order to comply with state law as amended in Assembly Bill 1869, the County of Nevada desires to remove the fees related to indigent defense and therefore rescind the Public Defender fee schedule.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors hereby rescinds all fees charged by the Public Defender, rescinds Resolution 18-012, and deems any and all previously imposed fees unenforceable and uncollectable.