

ASSEMBLY BILL NO. 165—ASSEMBLYWOMAN ANGLE (BY REQUEST)

FEBRUARY 9, 1999

Referred to Committee on Judiciary

SUMMARY—Revises various provisions concerning juveniles. (BDR 5-1054)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

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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 juveniles; requiring the court to order a child who injures another person, or the parent or guardian of the child, to provide restitution for medical expenses or to perform community service; revising the provisions governing the inspection of photographs of children; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 62.2245 is hereby amended to read as follows:
2 62.2245 1. ~~If a child is found to have committed an unlawful act in~~
3 ~~which the child damaged or destroyed the property of another person, in]~~
4 ***In*** addition to any action ordered pursuant to the provisions of this chapter,
5 the judge, or his authorized representative, shall order ~~the]~~ ***a child who is***
6 ***found to have committed an unlawful act in which the child:***
7 ***(a) Caused physical injury to another person to provide restitution to***
8 ***that person for medical expenses incurred as the result of the act.***
9 ***(b) Damaged or destroyed the property of another person*** to provide
10 restitution to the owner of the property.
11 2. If the child is not able to provide restitution, the judge, or his
12 authorized representative, shall order the parent or guardian of the child to
13 provide restitution, ~~[to the owner of the property,]~~ unless the judge, or his
14 authorized representative, determines that extenuating circumstances exist.
15 3. If the child and his parent or guardian are unable to provide
16 restitution because of financial hardship, the judge, or his authorized
17 representative, shall order the child or his parent or guardian, or both, to
18 perform community service.

1 4. The community service must be performed for and under the
2 supervising authority of a county, city, town or other political subdivision
3 or agency of the State of Nevada or a charitable organization that renders
4 service to the community or its residents.

5 5. The judge, or his authorized representative, may require the child or
6 his parent or guardian, or both, to deposit with the court a reasonable sum
7 of money to pay for the cost of a policy for insurance against liability for
8 personal injury and damage to property or for industrial insurance, or both,
9 during those periods in which the work is performed, unless, in the case of
10 industrial insurance, it is provided by the authority for which the work is
11 performed.

12 6. As used in this section, "property" includes real or personal
13 property.

14 **Sec. 2.** NRS 62.350 is hereby amended to read as follows:

15 62.350 1. The fingerprints of a child must be taken if the child is in
16 custody for an act that, if committed by an adult:

17 (a) Would be a felony, a gross misdemeanor or a sexual offense; or

18 (b) Would be a misdemeanor, and the act involved:

19 (1) The use or threatened use of force or violence against the victim;

20 or

21 (2) The possession, use or threatened use of a firearm or a deadly
22 weapon.

23 2. The fingerprints of a child who is in custody but who is not subject
24 to the provisions of subsection 1 may be taken if a law enforcement officer
25 finds latent fingerprints during the investigation of an offense and the
26 officer has reason to believe that the latent fingerprints are those of the
27 child. The officer shall use the fingerprints taken from the child for the
28 purpose of making an immediate comparison with the latent fingerprints. If
29 the comparison is:

30 (a) Negative, the fingerprint card and other copies of the fingerprints
31 taken may be immediately destroyed or may be retained for future use.

32 (b) Positive, the fingerprint card and other copies of the fingerprints:

33 (1) Must be delivered to the court for disposition if the child is
34 referred to court.

35 (2) May be immediately destroyed or may be retained for future use
36 if the child is not referred to court.

37 3. Fingerprints that are taken from a child pursuant to the provisions of
38 this section:

39 (a) May be retained in a local file or a local system for the automatic
40 retrieval of fingerprints if they are retained under special security measures
41 that limit inspection of the fingerprints to law enforcement officers who are
42 conducting criminal investigations. If the child from whom the fingerprints
43 are taken subsequently is not adjudicated delinquent, the parent or

1 guardian of the child or, when the child becomes at least 18 years of age,
2 the child, may petition the court for the removal of the fingerprints from
3 any such local file or local system.

4 (b) Must be submitted to the central repository for Nevada records of
5 criminal history if the child is adjudicated delinquent for an act that, if
6 committed by an adult, would be a felony or sexual offense, and may be
7 submitted to the central repository for any other act. The central repository
8 shall retain the fingerprints of the child under special security measures
9 that limit inspection of the fingerprints to law enforcement officers who are
10 conducting criminal investigations and to officers and employees of the
11 central repository who are assisting law enforcement officers with criminal
12 investigations or who are conducting research or performing a statistical
13 analysis.

14 (c) Must not be submitted to the Federal Bureau of Investigation unless
15 the child is adjudicated delinquent for an act that, if committed by an adult,
16 would be a felony or a sexual offense.

17 4. A child who is in custody must be photographed for the purpose of
18 identification. Except as otherwise provided in this subsection, the
19 photographs of the child must be kept in the file pertaining to the child
20 under special security measures *which provide* that ~~[limit inspection of]~~ the
21 photographs ~~[to law enforcement officers who are conducting]~~ *may be*
22 *inspected only to conduct* criminal investigations ~~[.]~~ *and photographic*
23 *lineups*. If a court subsequently determines that the child is not delinquent,
24 the court shall order the photographs to be destroyed.

25 5. Any person who willfully violates any provision of this section is
26 guilty of a misdemeanor.

27 **Sec. 3.** The amendatory provisions of section 1 of this act apply to
28 offenses that are committed on or after October 1, 1999.