

ASSEMBLY BILL NO. 180—ASSEMBLYMEN BERMAN, KOIVISTO, GIBBONS, MANENDO, PARKS, TIFFANY, BEERS, HETTRICK, BACHE, NEIGHBORS, BUCKLEY, CEGAVSKE, HUMKE, CHOWNING, DE BRAGA, SEGERBLOM AND MORTENSON

FEBRUARY 10, 1999

Referred to Committee on Education

SUMMARY—Requires certain actions to be taken against child who possesses firearm without approval while on school property, on school bus or at school activity. (BDR 34-186)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~fromitted material~~ is material to be omitted.

AN ACT relating to children; requiring school officials to report to authorities a child who possesses a firearm without approval while on school property, on a school bus or at a school activity; providing that such a child must be removed from school, taken into custody, detained for certain periods and psychologically evaluated; requiring a petition alleging delinquency to be filed against such a child under certain circumstances; requiring the juvenile court to order such a child to surrender his driver's license until he reaches 21 years of age; revising the provisions relating to the unlawful possession of a firearm or other weapon under certain circumstances; providing penalties; 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 386.360 is hereby amended to read as follows:
2 386.360 1. Each board of trustees may ~~prescribe~~ ***adopt*** and enforce
3 rules, not inconsistent with law or rules prescribed by the state board of
4 education, for its own government and the government of public schools
5 under its charge.
6 2. Each board of trustees shall ~~prescribe rules for the granting of~~
7 ***adopt rules setting forth the procedures and circumstances under which***
8 ***a principal may give written*** permission to ***a pupil or other person to*** carry

1 or possess a weapon pursuant to NRS 202.265 ~~{ }~~ *and subsection 4 of NRS*
2 *392.466.*

3 **Sec. 2.** NRS 386.585 is hereby amended to read as follows:

4 386.585 1. ~~{A}~~ *The* governing body of a charter school shall adopt ~~{ }~~
5 ~~—(a) Written rules of~~ *written rules setting forth:*

6 (a) *The* behavior required of and prohibited for pupils attending the
7 charter school; ~~{and}~~

8 (b) Appropriate punishments for ~~{violations of}~~ *pupils who violate* the
9 rules ~~{ }~~ *of behavior; and*

10 (c) *The procedures and circumstances under which a chief*
11 *administrator may give written permission to a pupil or other person to*
12 *carry or possess a weapon pursuant to NRS 202.265 and subsection 4 of*
13 *NRS 392.466. The rules adopted pursuant to this paragraph must be at*
14 *least as restrictive as the rules adopted pursuant to subsection 2 of NRS*
15 *386.360 by the board of trustees of the school district in which the*
16 *charter school is located.*

17 2. Except as otherwise provided in ~~{subsection 3,}~~ *this section*, if
18 suspension or expulsion of a pupil is used as a punishment for a violation
19 of the rules, the charter school shall ensure that, before the suspension or
20 expulsion, the pupil has been given notice of the charges against him, an
21 explanation of the evidence and an opportunity for a hearing.

22 3. The provisions of chapter 241 of NRS do not apply to any hearing
23 conducted pursuant to this section. Such a hearing must be closed to the
24 public.

25 ~~{3.—A pupil who}~~

26 4. *Except as otherwise provided in subsection 7, if a pupil* poses a
27 continuing danger to persons or property or an ongoing threat of disrupting
28 the academic process ~~{or who is selling or distributing}~~, *the pupil may be*
29 *removed from the charter school immediately upon being given an*
30 *explanation of the reasons for his removal and pending proceedings,*
31 *which must be conducted as soon as practicable after removal, for his*
32 *suspension or expulsion.*

33 5. *Except as otherwise provided in subsection 7 and NRS 392.466, if*
34 *a pupil, while on the property of a public school, on a school bus or at an*
35 *activity sponsored by a public school, commits a battery that results in*
36 *bodily injury to an employee of a public school, sells or distributes any*
37 controlled substance or ~~{who is found to be in possession of}~~ *carries or*
38 *possesses* a dangerous weapon ~~{as provided in NRS 392.466 may}~~, *the*
39 *pupil:*

40 (a) *May* be removed from the charter school immediately upon being
41 given an explanation of the reasons for his removal and pending
42 proceedings, which must be conducted as soon as practicable after
43 removal, for his suspension or expulsion ~~{ }~~

~~4.1~~; and

(b) *Must be suspended or expelled from the charter school in accordance with subsection 1 of NRS 392.466.*

6. *Except as otherwise provided in subsection 7 and NRS 392.466, if a pupil, while on the property of a public school, on a school bus or at an activity sponsored by a public school, carries or possesses a firearm:*

(a) *The pupil must be:*

(1) *Removed from the charter school immediately upon being given an explanation of the reasons for his removal and pending proceedings, which must be conducted as soon as practicable after removal, for his expulsion; and*

(2) *Expelled from the charter school in accordance with subsection 2 of NRS 392.466.*

(b) *The chief administrator of the charter school shall immediately report the name of the pupil and the facts relating to the incident to:*

(1) *A peace officer of the appropriate local law enforcement agency; or*

(2) *A school police officer. If the chief administrator reports the incident to a school police officer, the school police officer shall immediately report the name of the pupil and the facts relating to the incident to a peace officer of the appropriate local law enforcement agency.*

7. A pupil who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters, be:

(a) Suspended from the charter school pursuant to this section for not more than 10 days.

(b) Suspended from the charter school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, ~~16~~ 20 U.S.C. §§ 1400 et seq. ~~D~~.

~~5.1~~ 8. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~16.1~~ 9. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules

governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

10. As used in this section:

(a) "Battery," "dangerous weapon" and "firearm" have the meanings ascribed to them in subsection 7 of NRS 392.466.

(b) "Chief administrator" means the administrator of a charter school who has the authority to exercise and perform duties and powers that are equivalent to the duties and powers of a principal pursuant to chapter 392 of NRS.

Sec. 3. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, ~~any pupil who~~ **if a pupil, while on the property of a public school, on a school bus or at an activity sponsored by a public school,** commits a battery which results in the bodily injury of an employee of the school, sells or distributes any controlled substance or ~~is found in possession of~~ **carries or possesses** a dangerous weapon, ~~while on the premises of any public school, at an activity sponsored by a public school or on any school bus~~ **the pupil** must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must:

(a) Be permanently expelled from that school; and

(b) Receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

2. Except as otherwise provided in this section, ~~any pupil who is found in possession of a firearm~~ **if a pupil,** while on the ~~premises of any~~ **property of a public school, on a school bus or** at an activity sponsored by a public school ~~for on any school bus~~ **, carries or possesses a firearm, the pupil** must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must:

(a) Be permanently expelled from the school; and

(b) Receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

The superintendent of schools of a school district may, in a particular case in that school district, allow an exception to the expulsion requirement of this subsection.

3. Except as otherwise provided in this section, ~~any pupil who~~ **if a pupil** is **deemed** a habitual disciplinary problem ~~as set forth in~~ **pursuant to** NRS 392.4655, **the pupil** must be suspended or expelled from the school for a period equal to at least one semester for that school. For the

1 period of his suspension or expulsion, the pupil must receive equivalent
2 instruction authorized by the state board pursuant to NRS 392.070.

3 4. ~~{This section does}~~ *The provisions of this section and NRS 386.585*
4 *do* not prohibit a pupil from ~~{having in his possession a knife}~~ *carrying or*
5 *possessing a dangerous weapon* or firearm with the ~~{approval}~~ *written*
6 *permission* of the principal *or chief administrator* of the school. A
7 principal may ~~{grant such approval}~~ *give written permission to a pupil to*
8 *carry or possess a dangerous weapon or firearm* only in accordance with
9 the ~~{policies or regulations}~~ *rules* adopted by the board of trustees of the
10 school district ~~{~~.

11 ~~—5.—Any}~~ *pursuant to subsection 2 of NRS 386.360. A chief*
12 *administrator may give written permission to a pupil to carry or possess a*
13 *dangerous weapon or firearm only in accordance with the rules adopted*
14 *by the governing body of the charter school pursuant to subsection 1 of*
15 *NRS 386.585.*

16 5. A pupil in grades 1 to 6, inclusive, ~~{except}~~ *other than* a pupil who
17 ~~{has been found to have possessed}~~ *carries or possesses* a firearm in
18 violation of subsection 2, may be suspended from school or permanently
19 expelled from school pursuant to this section only after the board of
20 trustees of the school district has reviewed the circumstances and approved
21 this action in accordance with the procedural policy adopted by the board
22 for such issues.

23 6. A pupil who is participating in a program of special education
24 pursuant to NRS 388.520, other than a pupil who is gifted and talented,
25 may, in accordance with the procedural policy adopted by the board of
26 trustees of the school district for such matters, be:

27 (a) Suspended from school pursuant to this section for not more than 10
28 days. Such a suspension may be imposed pursuant to this paragraph for
29 each occurrence of conduct proscribed by subsection 1.

30 (b) Suspended from school for more than 10 days or permanently
31 expelled from school pursuant to this section only after the board of
32 trustees of the school district has reviewed the circumstances and
33 determined that the action is in compliance with the Individuals with
34 Disabilities Education Act, ~~{(}~~ 20 U.S.C. §§ 1400 et seq. ~~{)}~~

35 7. As used in this section:

36 (a) “Battery” has the meaning ascribed to it in paragraph (a) of
37 subsection 1 of NRS 200.481.

38 (b) *“Chief administrator” has the meaning ascribed to it in subsection*
39 *10 of NRS 386.585.*

40 (c) “Dangerous weapon” includes, without limitation, a blackjack, slung
41 shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a
42 nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a
43 butterfly knife or any other knife described in NRS 202.350, or any other

1 object which is used, or threatened to be used, in such a manner and under
2 such circumstances as to pose a threat of, or cause, bodily injury to a
3 person.

4 ~~[(e)]~~ (d) "Firearm" includes, without limitation, any pistol, revolver,
5 shotgun, explosive substance or device, and any other item included within
6 the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on
7 July 1, 1995.

8 **Sec. 4.** NRS 392.467 is hereby amended to read as follows:

9 392.467 1. Except as otherwise provided in ~~[(subsections 4 and 5,)]~~
10 *this section*, the board of trustees of a school district may authorize the
11 suspension or expulsion of any pupil from any public school within the
12 school district.

13 2. Except as otherwise provided in ~~[(subsection 5, no)]~~ *this section, a*
14 pupil may *not* be suspended or expelled until he has been given notice of
15 the charges against him, an explanation of the evidence and an opportunity
16 for a hearing. ~~[(except that)]~~

17 3. *Except as otherwise provided in subsection 7, if a pupil [who]*
18 *poses a continuing danger to persons or property or an ongoing threat of*
19 *disrupting the academic process or [who is selling or distributing], while*
20 *on the property of a public school, on a school bus or at an activity*
21 *sponsored by a public school, commits a battery which results in the*
22 *bodily injury of an employee of the school, sells or distributes any*
23 *controlled substance or [is found to be in possession of] carries or*
24 *possesses a dangerous weapon [as provided] in violation of subsection 1 of*
25 *NRS 392.466, the pupil* may be removed from the school immediately
26 upon being given an explanation of the reasons for his removal ~~[(and)]~~ and
27 pending proceedings, to be conducted as soon as practicable after removal,
28 for his suspension or expulsion.

29 ~~[(3.)]~~ 4. *Except as otherwise provided in subsection 7, if a pupil, while*
30 *on the property of a public school, on a school bus or at an activity*
31 *sponsored by a public school, carries or possesses a firearm in violation*
32 *of subsection 2 of NRS 392.466:*

33 (a) *The pupil must be removed from the school immediately upon*
34 *being given an explanation of the reasons for his removal and pending*
35 *proceedings, to be conducted as soon as practicable after removal, for his*
36 *expulsion; and*

37 (b) *The principal of the school shall immediately report the name of*
38 *the pupil and the facts relating to the incident to:*

39 (1) *A peace officer of the appropriate local law enforcement*
40 *agency; or*

41 (2) *A school police officer. If the principal reports the incident to a*
42 *school police officer, the school police officer shall immediately report*

1 *the name of the pupil and the facts relating to the incident to a peace*
2 *officer of the appropriate local law enforcement agency.*

3 5. The provisions of chapter 241 of NRS do not apply to any hearing
4 conducted pursuant to this section. Such hearings must be closed to the
5 public.

6 ~~4.~~ 6. The board of trustees of a school district shall not authorize the
7 expulsion, suspension or removal of any pupil from the public school
8 system solely because the pupil is declared a truant or habitual truant in
9 accordance with NRS 392.130 or 392.140.

10 ~~5.~~ 7. A pupil who is participating in a program of special education
11 pursuant to NRS 388.520, other than a pupil who is gifted and talented,
12 may, in accordance with the procedural policy adopted by the board of
13 trustees of the school district for such matters, be:

14 (a) Suspended from school pursuant to this section for not more than 10
15 days.

16 (b) Suspended from school for more than 10 days or permanently
17 expelled from school pursuant to this section only after the board of
18 trustees of the school district has reviewed the circumstances and
19 determined that the action is in compliance with the Individuals with
20 Disabilities Education Act, ~~19~~ 20 U.S.C. §§ 1400 et seq. ~~D-I~~

21 Sec. 5. Chapter 62 of NRS is hereby amended by adding thereto the
22 provisions set forth as sections 6 and 7 of this act.

23 Sec. 6. 1. *If a peace officer or probation officer has probable*
24 *cause to believe that a child, while on the property of a private or public*
25 *school, on a school bus of a private or public school or at an activity*
26 *sponsored by a private or public school, is carrying or possesses or has*
27 *carried or possessed a firearm in violation of NRS 202.265, the officer*
28 *shall:*

29 (a) *Take the child into custody; and*

30 (b) *File a complaint with the district attorney alleging that the child is*
31 *delinquent.*

32 2. *If a child is taken into custody for an offense described in*
33 *subsection 1:*

34 (a) *The child must not be released pursuant to NRS 62.170;*

35 (b) *Except as otherwise provided in subsection 3, the child must be*
36 *detained at a facility for the detention of juveniles; and*

37 (c) *If the child is taken into custody without a warrant or court order,*
38 *a judicial officer must determine whether there is probable cause to*
39 *believe that the child has committed the offense as soon as reasonably*
40 *practicable but not later than 72 hours after the child is taken into*
41 *custody. For the purposes of this paragraph:*

42 (1) *Any intervening Saturday, Sunday or holiday must be included*
43 *in calculating the period of 72 hours.*

1 (2) The judicial officer may be a judge or master of the juvenile
2 court or may be any other judicial officer who is authorized pursuant to
3 Title 14 of NRS to determine whether there is probable cause to believe
4 that an adult has committed an offense.

5 (3) The judicial officer may determine whether there is probable
6 cause to believe that the child has committed the offense based upon any
7 evidence and pursuant to any procedures that satisfy the provisions of the
8 Constitution of the United States and the constitution of this state, as
9 those provisions are applied to a child who is alleged to be delinquent.

10 (4) When the determination of probable cause is made by the
11 judicial officer, the child is not entitled to any right or process other than
12 those rights and procedures that are required for such a determination
13 pursuant to the provisions of the Constitution of the United States and
14 the constitution of this state, as those provisions are applied to a child
15 who is alleged to be delinquent.

16 3. If a child is taken into custody for an offense described in
17 subsection 1, the child may be detained initially at a police station,
18 lockup, jail, prison or other facility in which adults are detained or
19 confined, if the detention of the child in such a facility complies with the
20 provisions of subsection 6 of NRS 62.170 and the child is transferred to a
21 facility for the detention of juveniles:

22 (a) In a county whose population is less than 100,000, within 24 hours
23 after the commencement of detention at the police station, lockup, jail,
24 prison or other facility in which adults are detained or confined; or

25 (b) In a county whose population is 100,000 or more, within 6 hours
26 after the commencement of detention at the police station, lockup, jail,
27 prison or other facility in which adults are detained or confined.

28 4. If a judicial officer determines that there is probable cause to
29 believe that a child has committed an offense described in subsection 1 or
30 if a child is taken into custody pursuant to a warrant or court order for
31 an offense described in subsection 1, the child must be:

32 (a) Detained at a facility for the detention of juveniles until a judge or
33 master conducts a detention hearing pursuant to this section; and

34 (b) Evaluated by a qualified professional before the detention hearing
35 is conducted pursuant to this section.

36 5. A qualified professional who evaluates a child pursuant to
37 subsection 4 shall prepare a written report concerning his conclusions
38 whether the child is likely to commit an offense that is dangerous to
39 himself or the community if the child is released. The qualified
40 professional shall provide a copy of the written report to:

41 (a) The judge or master who conducts the detention hearing;

42 (b) The prosecuting attorney and the probation officer who are
43 assigned to the case;

and

1 (c) The attorney for the child or, if the child is not represented by an
2 attorney, the parent, guardian or custodian of the child.

3 6. A judge or master shall conduct a detention hearing concerning a
4 child who is alleged to have committed an offense described in subsection
5 1 not later than 10 days after the date on which the child is taken into
6 custody. Any intervening Saturday, Sunday or holiday must be included
7 in calculating the period of 10 days. At the detention hearing:

8 (a) If a petition alleging delinquency has not been filed, the judge or
9 master shall order that the child be released.

10 (b) If a petition alleging delinquency has been filed, the judge or
11 master shall order that the child, pending disposition of the case, be:

12 (1) Detained at a facility for the secure detention of juveniles if
13 there is probable cause to believe that the child:

14 (I) Is likely to commit an offense that is dangerous to himself or
15 the community if the child is released;

16 (II) Will run away or be taken away so as to be unavailable for
17 proceedings of the court or to its officers; or

18 (III) Is a fugitive from another jurisdiction; or

19 (2) If the provisions of subparagraph (1) do not otherwise apply:

20 (I) Detained at a facility for the detention of juveniles or such
21 other place as is designated by the court;

22 (II) Conditionally released for supervised detention at the home
23 of the child in lieu of detention at a facility for the detention of juveniles;
24 or

25 (III) Released to the custody of a parent or other person
26 appointed by the court.

27 7. If a child is evaluated by a qualified professional pursuant to
28 subsection 4, the statements made by the child to the qualified
29 professional during the evaluation and any evidence directly or indirectly
30 derived from those statements may not be used for any purpose in a
31 proceeding which is conducted to prove that the child committed a
32 delinquent act or criminal offense. The provisions of this subsection do
33 not prohibit the district attorney from proving that the child committed a
34 delinquent act or criminal offense based upon evidence obtained from
35 sources or by means that are independent of the statements made by the
36 child to the qualified professional during the evaluation conducted
37 pursuant to subsection 4.

38 8. As used in this section, "qualified professional" means:

39 (a) A psychiatrist licensed to practice medicine in this state and
40 certified by the American Board of Psychiatry and Neurology, Inc.;

41 (b) A psychologist licensed to practice in this state;

42 (c) A social worker holding a master's degree in social work and
43 licensed in this state as a clinical social worker;

1 *(d) A registered nurse holding a master's degree in the field of*
2 *psychiatric nursing and licensed to practice professional nursing in this*
3 *state; or*

4 *(e) A marriage and family therapist licensed in this state pursuant to*
5 *chapter 641A of NRS.*

6 **Sec. 7. 1.** *If a complaint is filed alleging that a child, while on the*
7 *property of a private or public school, on a school bus of a private or*
8 *public school or at an activity sponsored by a private or public school,*
9 *carried or possessed a firearm in violation of NRS 202.265, the district*
10 *attorney shall file a petition pursuant to NRS 62.130 alleging that the*
11 *child is delinquent for committing a violation of NRS 202.265 if, in the*
12 *judgment of the district attorney, such a violation can be proved at an*
13 *adjudicatory hearing conducted pursuant to NRS 62.193.*

14 **2.** *If a complaint or petition is filed alleging that a child, while on the*
15 *property of a private or public school, on a school bus of a private or*
16 *public school or at an activity sponsored by a private or public school,*
17 *carried or possessed a firearm in violation of NRS 202.265, the child may*
18 *not be, for that violation:*

19 *(a) Referred to a probation officer for informal supervision pursuant*
20 *to NRS 62.128 and 62.129; or*

21 *(b) Placed under the supervision of the court pursuant to a*
22 *supervision and consent decree without a formal adjudication of*
23 *delinquency in accordance with NRS 62.128.*

24 **Sec. 8.** NRS 62.040 is hereby amended to read as follows:

25 62.040 1. Except if the child involved is subject to the exclusive
26 jurisdiction of an Indian tribe, and except as otherwise provided in this
27 chapter, the court has exclusive original jurisdiction in proceedings:

28 (a) Concerning any child living or found within the county who is in
29 need of supervision because he:

30 (1) Is a child who is subject to compulsory school attendance and is a
31 habitual truant from school;

32 (2) Habitually disobeys the reasonable and lawful demands of his
33 parents, guardian or other custodian, and is unmanageable; or

34 (3) Deserts, abandons or runs away from his home or usual place of
35 abode,

36 and is in need of care or rehabilitation. The child must not be considered a
37 delinquent.

38 (b) Concerning any child living or found within the county who has
39 committed a delinquent act. A child commits a delinquent act if he violates
40 a county or municipal ordinance or any rule or regulation having the force
41 of law, or he commits an act designated a crime under the law of the State
42 of

Nevada.

1 (c) Concerning any child in need of commitment to an institution for
2 the mentally retarded.

3 2. For the purposes of subsection 1, each of the following acts shall be
4 deemed not to be a delinquent act, and the court does not have jurisdiction
5 of a person who is charged with committing such an act:

6 (a) Murder or attempted murder and any other related offense arising
7 out of the same facts as the murder or attempted murder, regardless of the
8 nature of the related offense.

9 (b) Sexual assault or attempted sexual assault involving the use or
10 threatened use of force or violence against the victim and any other related
11 offense arising out of the same facts as the sexual assault or attempted
12 sexual assault, regardless of the nature of the related offense, if:

13 (1) The person was 16 years of age or older when the sexual assault
14 or attempted sexual assault was committed; and

15 (2) Before the sexual assault or attempted sexual assault was
16 committed, the person previously had been adjudicated delinquent for an
17 act that would have been a felony if committed by an adult.

18 (c) An offense or attempted offense involving the use or threatened use
19 of a firearm and any other related offense arising out of the same facts as
20 the offense or attempted offense involving the use or threatened use of a
21 firearm, regardless of the nature of the related offense, if:

22 (1) The person was 16 years of age or older when the offense or
23 attempted offense involving the use or threatened use of a firearm was
24 committed; and

25 (2) Before the offense or attempted offense involving the use or
26 threatened use of a firearm was committed, the person previously had been
27 adjudicated delinquent for an act that would have been a felony if
28 committed by an adult.

29 (d) Any other offense if, before the offense was committed, the person
30 previously had been convicted of a criminal offense.

31 3. If a child is charged with a minor traffic offense, the court may
32 transfer the case and record to a justice's or municipal court if the judge
33 determines that it is in the best interest of the child. If a case is so
34 transferred:

35 (a) The restrictions set forth in subsection ~~4~~ 5 of NRS 62.170 are
36 applicable in those proceedings; and

37 (b) The child must be accompanied at all proceedings by a parent or
38 legal guardian.

39 With the consent of the judge of the juvenile division, the case may be
40 transferred back to the juvenile court.

41 **Sec. 9.** NRS 62.128 is hereby amended to read as follows:

42 62.128 1. ~~1A~~ *Except as otherwise provided in section 7 of this act,*

43 *a* complaint alleging that a child is delinquent or in need of supervision

1 must be referred to the probation officer of the appropriate county. The
2 probation officer shall conduct a preliminary inquiry to determine whether
3 the best interests of the child or of the public require that a petition be filed
4 or would better be served by placing the child under informal supervision
5 pursuant to NRS 62.129. If judicial action appears necessary, the probation
6 officer may recommend the filing of a petition, but any petition must be
7 prepared and signed by the district attorney before it is filed with the court.
8 The decision of the district attorney on whether to file a petition is final.

9 2. If the probation officer refuses to place the child under informal
10 supervision or recommend the filing of a petition, the complainant must be
11 notified by the probation officer of his right to a review of his complaint by
12 the district attorney. The district attorney, upon request of the complainant,
13 shall review the facts presented by the complainant and after consultation
14 with the probation officer shall prepare, sign and file the petition with the
15 court when he believes the action is necessary to protect the community or
16 the interests of the child.

17 3. ~~When~~ *Except as otherwise provided in section 6 of this act, if* a
18 child is in detention or shelter ~~care and the filing of the petition is not~~
19 ~~approved by the district attorney, the child must be immediately released.~~
20 ~~4. When a child is in detention or shelter~~ care, the child must be
21 immediately released if a petition alleging delinquency or need of
22 supervision is not ~~filed~~ :

23 (a) *Approved by the district attorney; or*

24 (b) *Filed* within 8 days after the date the complaint was referred to the
25 probation officer.

26 ~~5. Upon~~

27 4. *Except as otherwise provided in section 7 of this act, upon* the
28 filing of the petition, the judge or the master may, in addition to his other
29 powers under this chapter:

30 (a) Dismiss the petition without prejudice and refer a child to the
31 probation officer for informal supervision pursuant to NRS 62.129; or

32 (b) Place a child under the supervision of the court pursuant to a
33 supervision and consent decree without a formal adjudication of
34 delinquency, upon the recommendation of the probation officer, the
35 written approval of the district attorney and the written consent and
36 approval of the child and his parents or guardian, under the terms and
37 conditions provided for in the decree. The petition may be dismissed upon
38 successful completion of the terms and conditions of the supervision and
39 consent decree, and the child may respond to any inquiry concerning the
40 proceedings and events which brought about the proceedings as if they had
41 not occurred. The records concerning a supervision and consent decree
42 may be considered in a subsequent proceeding before the court regarding
43 that

child.

1 **Sec. 10.** NRS 62.129 is hereby amended to read as follows:

2 62.129 1. ~~[A]~~ *Except as otherwise provided in section 7 of this act,*
3 *a* child alleged to be delinquent or in need of supervision may be placed
4 under the informal supervision of a probation officer if the child
5 voluntarily admits his participation in the acts for which he was referred to
6 the probation officer. If any of the acts would constitute a gross
7 misdemeanor or felony if committed by an adult, the child may not be
8 placed under informal supervision unless the district attorney approves of
9 the placement in writing. The probation officer must advise the child and
10 his parent, guardian or custodian that they may refuse informal
11 supervision.

12 2. An agreement for informal supervision must be entered into
13 voluntarily and intelligently by the child with the advice of his attorney, or
14 by the child with the consent of a parent, guardian or custodian if the child
15 is not represented by counsel. The period of informal supervision must not
16 exceed 180 days. The terms of the agreement must be clearly stated in
17 writing and signed by all parties. A copy of the agreement must be given to
18 the child, the attorney for the child, if any, the child's parent, guardian or
19 custodian, and the probation officer, who shall retain a copy in his file for
20 the case. The child and his parent, guardian or custodian may terminate the
21 agreement at any time and request the filing of a petition for formal
22 adjudication.

23 3. An agreement for informal supervision may require a child to
24 perform public service or make restitution to the victim, if any, of the acts
25 for which the child was referred to the probation officer.

26 4. If a child is placed under informal supervision, a petition based
27 upon the events out of which the original complaint arose may be filed
28 only within 180 days after entry into the agreement for informal
29 supervision. If a petition is filed within that period, the child may withdraw
30 the admission he made pursuant to subsection 1. The child's compliance
31 with all proper and reasonable terms of the agreement constitute grounds
32 for the court to dismiss the petition.

33 5. A probation officer shall file annually with the court a report of the
34 number of children placed under informal supervision during the previous
35 year, the conditions imposed in each case and the number of cases that
36 were successfully completed without the filing of a petition.

37 **Sec. 11.** NRS 62.170 is hereby amended to read as follows:

38 62.170 1. Except as otherwise provided in NRS 62.175 ~~[any]~~ *and*
39 *section 6 of this act, a* peace officer or probation officer may take into
40 custody any child ~~[who is found]~~ :

41 *(a) Who the officer has probable cause to believe is violating or has*
42 *violated any law , ~~[or]~~ ordinance or ~~[whose]~~ rule or regulation having the*
43 *force of law;* *or*

1 **(b) Whose** conduct indicates that he is a child in need of supervision.

2 2. Except as otherwise provided in *this section, section 6 of this act*
3 *and* NRS 484.383, ~~[when]~~ *if* a child is taken into custody ~~[, the]~~ :

4 (a) *The* officer shall immediately notify the parent, guardian or
5 custodian of the child, if known, and the probation officer **[.]; and**

6 **(b)** Unless it is impracticable or inadvisable or has been otherwise
7 ordered by the court, ~~for is otherwise provided in this section,~~ the child
8 must be released to the custody of his parent or other responsible adult who
9 has signed a written agreement to bring the child to the court at a stated
10 time or at such time as the court may direct. The written agreement must
11 be submitted to the court as soon as possible. If this person fails to produce
12 the child as agreed or upon notice from the court, a writ may be issued for
13 the attachment of the person or of the child requiring that the person or
14 child, or both of them, be brought into the court at a time stated in the writ.

15 ~~[2. If the]~~

16 3. Except as otherwise provided in this section and section 6 of this
17 act, if a child who is taken into custody is not released ~~[-as provided in~~
18 ~~subsection 1, the]~~ pursuant to subsection 2:

19 (a) *The* child must be taken without unnecessary delay to ~~[the]~~ :

20 (1) *The* court ; or ~~[to the]~~

21 (2) The place of detention designated by the court, and, as soon as
22 possible thereafter, the fact of detention must be reported to the court H;
23 and

24 (b) Pending further disposition of the case, *the court may order that*
25 the child ~~may be released~~ *be:*

26 **(1) Released** to the custody of the parent or other person appointed
27 by the court ~~[, or may be detained]~~ ;

28 **(2) Detained** in such place as is designated by the court, subject to
29 further order ~~of the court.~~ **of the court; or**

30 **(3) Conditionally released for** supervised detention at the home of
31 the child in lieu of detention at a facility for the detention of juveniles.

32 ~~[3. A]~~

33 **4. Except as otherwise provided in section 6 of this act, if a child is**
34 alleged to be delinquent or in need of supervision , **the child** must not,
35 before disposition of the case, be detained in a facility for the secure
36 detention of juveniles unless there is probable cause to believe that:

37 (a) If the child is not detained, he is likely to commit an offense
38 dangerous to himself or to the community, or likely to commit damage to
39 property;

40 (b) The child will run away or be taken away so as to be unavailable for
41 proceedings of the court or to its officers;

42 (c) The child was brought to the probation officer pursuant to a court
43 order or warrant;

or

(d) The child is a fugitive from another jurisdiction.

~~[4.—A]~~

5. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in [a]:

(a) A facility for the secure detention of juveniles; or [any]

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

~~[5.—A child under]~~

6. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained therein and who has been convicted of a crime or [under arrest and] charged with a crime, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained therein.

~~[6.—A]~~

7. Except as otherwise provided in section 6 of this act, if a child who is alleged to be delinquent [who] is taken into custody and detained, the child must be given a detention hearing, conducted by the judge or master:

(a) Within 24 hours after the child submits a written application;

(b) In a county whose population is less than 100,000, within 24 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined;

(c) In a county whose population is 100,000 or more, within 6 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined; or

(d) Within 72 hours after the commencement of detention at a facility in which adults are not detained or confined, whichever occurs first, excluding Saturdays, Sundays and holidays. A child must not be released after a detention hearing without the written consent of the judge or master.

~~[7.]~~ **8. If the parent, guardian or custodian of the child appears with or on behalf of the child at a detention hearing, the judge or master shall provide to him a certificate of attendance which he may provide to his employer. The certificate of attendance must set forth the date and time of appearance and the provisions of NRS 62.900. The certificate of attendance must not set forth the name of the child or the offense alleged.**

~~[8.—A]~~

9. Except as otherwise provided in subsection 10, if a child who is alleged to be in need of supervision is taken into custody and detained, the child must [if alleged to be a child in need of supervision] be released

1 within 24 hours, excluding Saturdays, Sundays and holidays, after his
2 initial contact with a peace officer to his parent, guardian or custodian, to
3 any other person who is able to provide adequate care and supervision, or
4 to shelter care, ~~[except as otherwise provided in subsection 9 or]~~ unless the
5 court holds a detention hearing and determines the child:

- 6 (a) Has threatened to run away from home or from the shelter;
7 (b) Is accused of violent behavior at home; or
8 (c) Is accused of violating the terms of his supervision and consent
9 decree.

10 If the court makes such a determination, the child may be detained for an
11 additional 24 hours after the hearing, excluding Saturdays, Sundays and
12 holidays, if needed by the court to make an alternative placement. Such an
13 alternative placement must be in a facility in which there are no physically
14 restraining devices or barriers. A child must not be detained pursuant to
15 this subsection for a total period in excess of 48 hours, excluding
16 Saturdays, Sundays and holidays.

17 ~~[9.—A]~~

18 **10.** If a child *who is* alleged to be in need of supervision ~~[who]~~ is
19 taken into custody and detained, *the child* need not be released ~~[within 24~~
20 ~~hours, excluding Saturdays, Sundays and holidays, after his initial contact~~
21 ~~with a peace officer to his parent, guardian or custodian, to any other~~
22 ~~person who is able to provide adequate care and supervision, or to a shelter~~
23 ~~for care,]~~ *pursuant to subsection 9*, if the court holds a detention hearing
24 and determines the child:

- 25 (a) Is a ward of a federal court or held pursuant to federal statute;
26 (b) Has run away from another state and a jurisdiction within the state
27 has issued a want, warrant or request for the child; or
28 (c) Is accused of violating a valid court order.

29 If the court makes such a determination, the child may be detained for such
30 an additional period as necessary for the court to return the child to the
31 jurisdiction from which he originated or to make an alternative placement.
32 Such an alternative placement must be in a facility in which there are no
33 physically restraining devices or barriers.

34 ~~[10.]~~ **11.** During the pendency of a criminal or quasi-criminal charge
35 of a crime excluded from the original jurisdiction of the *juvenile* court
36 pursuant to NRS 62.040, a child may petition the juvenile ~~[division]~~ *court*
37 for temporary placement in a facility for the detention of juveniles.

38 ~~[11.]~~ **12.** In determining whether to release a child pursuant to this
39 section to a person other than his parent, guardian or custodian, preference
40 must be given to any person related within the third degree of
41 consanguinity to the child who is suitable and able to provide proper care
42 and guidance for the child.

1 **Sec. 12.** NRS 62.228 is hereby amended to read as follows:

2 62.228 1. In addition to the options set forth in NRS 62.211 and
3 62.213, if a child is adjudicated delinquent ~~[pursuant to paragraph (b) of~~
4 ~~subsection 1 of NRS 62.040]~~ because he handled or possessed a firearm or
5 had a firearm under his control in violation of NRS 202.300, the court
6 shall:

7 (a) For the first offense:

8 (1) Require ~~[him]~~ *the child* to perform 200 hours of public service in
9 the manner provided in paragraph (i) of subsection 1 of NRS 62.211; and

10 (2) Suspend ~~[his]~~ *the* driver's license *of the child* for not more than 1
11 year or, if he does not possess a driver's license, prohibit the child from
12 receiving a driver's license for not more than 1 year:

13 (I) Immediately following the date of the order, if the child is
14 eligible to receive a driver's license.

15 (II) After the date ~~[he]~~ *the child* becomes eligible to receive a
16 driver's license, if the child is not eligible to receive a license on the date
17 of the order.

18 (b) For the second offense:

19 (1) Require ~~[him]~~ *the child* to perform at least 200 hours, but not
20 more than 600 hours, of public service in the manner provided in
21 paragraph (i) of subsection 1 of NRS 62.211; and

22 (2) Suspend ~~[his]~~ *the* driver's license *of the child* for at least 90 days
23 but not more than 2 years or, if ~~[he]~~ *the child* does not possess a driver's
24 license, prohibit the child from receiving a driver's license for at least 90
25 days but not more than 2 years:

26 (I) Immediately following the date of the order, if the child is
27 eligible to receive a driver's license.

28 (II) After the date ~~[he]~~ *the child* becomes eligible to receive a
29 driver's license, if the child is not eligible to receive a license on the date
30 of the order.

31 2. *In addition to the options set forth in NRS 62.211 and 62.213, if a*
32 *child is adjudicated delinquent because the child, while on the premises*
33 *of a private or public school, on a school bus of a private or public school*
34 *or at an activity sponsored by a private or public school, carried or*
35 *possessed a firearm in violation of NRS 202.265, the court shall:*

36 (a) *Require the child to perform at least 200 hours, but not more than*
37 *600 hours, of public service in the manner provided in paragraph (i) of*
38 *subsection 1 of NRS 62.211;*

39 (b) *Suspend the driver's license of the child until the child reaches 21*
40 *years of age or, if he does not possess a driver's license, prohibit the child*
41 *from receiving a driver's license until the child reaches 21 years of age;*
42 *and*

1 *(c) Order an evaluation of the child by a qualified professional to*
2 *determine whether counseling or other psychological treatment would be*
3 *in the best interests of the child. As used in this paragraph, “qualified*
4 *professional” has the meaning ascribed to it in section 6 of this act.*

5 3. If the court issues an order suspending the driver’s license of a child
6 pursuant to this section, the ~~judge~~ court shall require the child to
7 surrender his driver’s license to the court.

8 ~~3.~~ 4. If a child is already the subject of a court order suspending or
9 delaying the issuance of his driver’s license, the court shall order an
10 additional suspension or delay, as appropriate, to apply consecutively with
11 the previous order.

12 **Sec. 13.** NRS 62.229 is hereby amended to read as follows:

13 62.229 In addition to the options set forth in NRS 62.211 and 62.213
14 and the requirements of NRS 62.228, if a child is adjudicated delinquent
15 ~~pursuant to paragraph (b) of subsection 1 of NRS 62.040~~ because he
16 handled, carried or possessed a firearm or had a firearm under his control
17 in violation of NRS 202.265 or 202.300, the court shall order that any
18 license to hunt issued to the child pursuant to chapter 502 of NRS must be
19 revoked by the division of wildlife of the state department of conservation
20 and natural resources and that the child shall not receive a license to hunt
21 within the 2 years following the date of the order or until he is 18 years of
22 age, whichever is later. The ~~judge~~ court shall require the child to
23 surrender to the court any license to hunt then held by the child. The court
24 shall, within 5 days after issuing the order, forward to the division of
25 wildlife any license to hunt surrendered by the child, together with a copy
26 of the order.

27 **Sec. 14.** NRS 202.265 is hereby amended to read as follows:

28 202.265 1. Except as otherwise provided in this section, a person
29 shall not carry or possess, while on the property of the University and
30 Community College System of Nevada or while on the property of a
31 private or public school ~~for while in a vehicle~~, on a school bus of a
32 private or public school ~~for~~ or at an activity sponsored by a private or
33 public school:

- 34 (a) An explosive or incendiary device;
35 (b) A dirk, dagger or switchblade knife;
36 (c) A nunchaku or trefoil;
37 (d) A blackjack or billy club or metal knuckles; or
38 (e) A pistol, revolver or other firearm.

39 2. Any person who violates subsection 1 is guilty of ~~felony~~ :

40 (a) A gross misdemeanor ~~felony~~;

41 ~~3. This section does not prohibit the possession of a weapon listed in~~
42 ~~subsection 1 on the property of a private or public school by a:~~, if the

43 person is 21 years of age or older; or

1 *(b) A category C felony and shall be punished as provided in NRS*
2 *193.130, if the person is less than 21 years of age.*

3 *3. The provisions of this section do not apply to a:*

4 (a) Peace officer;

5 (b) School security guard; or

6 (c) Person having written permission from the president of ~~{a}~~ *the*
7 branch or facility of the University and Community College System of
8 Nevada or the principal of the *private or public* school to carry or possess
9 ~~{the weapon.}~~ *a weapon described in subsection 1.*

10 4. For the purposes of this section:

11 (a) “Explosive or incendiary device” has the meaning ascribed to it in
12 NRS 202.260.

13 (b) “Firearm” includes ~~{:}~~, *without limitation:*

14 (1) Any device used to mark the clothing of a person with paint or
15 any other substance; and

16 (2) Any device from which a metallic projectile, including any ball
17 bearing or pellet, may be expelled by means of spring, gas, air or other
18 force.

19 (c) “Nunchaku” has the meaning ascribed to it in NRS 202.350.

20 (d) *“Principal” means the principal of a public school or the*
21 *administrator of a charter school or private school who has the authority*
22 *to exercise and perform duties and powers that are equivalent to the*
23 *duties and powers of a principal of a public school pursuant to chapter*
24 *392 of NRS.*

25 (e) “Switchblade knife” has the meaning ascribed to it in NRS 202.350.

26 ~~{(e)}~~ (f) “Trefoil” has the meaning ascribed to it in NRS 202.350.

27 ~~{(f) “Vehicle”}~~

28 (g) *“School bus”* has the meaning ascribed to it in NRS 484.148.

29 **Sec. 15.** NRS 202.300 is hereby amended to read as follows:

30 202.300 1. Except as otherwise provided in this section, a child
31 ~~{under the age of}~~ *who is less than* 18 years *of age* shall not handle or have
32 in his possession or under his control, except while accompanied by or
33 under the immediate charge of his parent or guardian or an adult person
34 authorized by his parent or guardian to have control or custody of the
35 child, any firearm of any kind for hunting or target practice or for other
36 purposes. A child who violates this subsection ~~{commits a delinquent act~~
37 ~~and the court may order the detention of the child in the same manner as if~~
38 ~~the child had committed an act that would have been a felony if committed~~
39 ~~by an adult.}~~ :

40 (a) *Is guilty of a category C felony and shall be punished as provided*
41 *in NRS 193.130; and*

42 (b) *Is subject to the provisions of chapter 62 of NRS, unless the child*
43 *is excluded from the jurisdiction of the juvenile court or certified for*

1 *criminal proceedings as an adult in accordance with the provisions of*
2 *that chapter.*

3 2. A person who aids or knowingly permits a child to violate
4 subsection 1:

5 (a) Except as otherwise provided in paragraph (b), for the first offense,
6 is guilty of a misdemeanor.

7 (b) For a first offense, if the person knows or has reason to know that
8 there is a substantial risk that the child will use the firearm to commit a
9 violent act, is guilty of a category C felony and shall be punished as
10 provided in NRS 193.130.

11 (c) For a second or any subsequent offense, is guilty of a category B
12 felony and shall be punished by imprisonment in the state prison for a
13 minimum term of not less than 1 year and a maximum term of not more
14 than 6 years, and may be further punished by a fine of not more than
15 \$5,000.

16 3. A person does not aid or knowingly permit a child to violate
17 subsection 1 if:

18 (a) The firearm was stored in a securely locked container or at a
19 location which a reasonable person would have believed to be secure;

20 (b) The child obtained the firearm as a result of an unlawful entry by
21 any person in or upon the premises where the firearm was stored;

22 (c) The injury or death resulted from an accident which was incident to
23 target shooting, sport shooting or hunting; or

24 (d) The child gained possession of the firearm from a member of the
25 military or a law enforcement officer, while the member or officer was
26 performing his official duties.

27 4. The provisions of subsection 1 do not apply to a child who is a
28 member of the Armed Forces of the United States.

29 5. Except as otherwise provided in subsection 8, a child who is 14
30 years of age or older, who has in his possession a valid license to hunt,
31 may handle or have in his possession or under his control, without being
32 accompanied by his parent or guardian or an adult person authorized by his
33 parent or guardian to have control or custody of him:

34 (a) A rifle or shotgun that is not a fully automatic firearm, if the child is
35 not otherwise prohibited by law from possessing the rifle or shotgun and
36 the child has the permission of his parent or guardian to handle or have in
37 his possession or under his control the rifle or shotgun; or

38 (b) A firearm capable of being concealed upon the person, if the child
39 has the written permission of his parent or guardian to handle or have in
40 his possession or under his control such a firearm and the child is not
41 otherwise prohibited by law from possessing such a firearm,

1 and the child is traveling to the area in which he will be hunting or
2 returning from that area and the firearm is not loaded, or the child is
3 hunting pursuant to that license.

4 6. Except as otherwise provided in subsection 8, a child who is 14
5 years of age or older may handle or have in his possession or under his
6 control a rifle or shotgun that is not a fully automatic firearm if the child is
7 not otherwise prohibited by law from possessing the rifle or shotgun,
8 without being accompanied by his parent or guardian or an adult person
9 authorized by his parent or guardian to have control or custody of him, if
10 the child has the permission of his parent or guardian to handle or have in
11 his possession or under his control the rifle or shotgun and the child is:

12 (a) Attending a course of instruction in the responsibilities of hunters or
13 a course of instruction in the safe use of firearms;

14 (b) Practicing the use of a firearm at an established firing range or at
15 any other area where the discharge of a firearm is permitted;

16 (c) Participating in a lawfully organized competition or performance
17 involving the use of a firearm;

18 (d) Within an area in which the discharge of firearms has not been
19 prohibited by local ordinance or regulation and he is engaging in a lawful
20 hunting activity in accordance with chapter 502 of NRS for which a license
21 is not required;

22 (e) Traveling to or from any activity described in paragraph (a), (b), (c)
23 or (d), and the firearm is not loaded;

24 (f) On real property that is under the control of an adult, and the child
25 has the permission of that adult to possess the firearm on the real property;
26 or

27 (g) At his residence.

28 7. Except as otherwise provided in subsection 8, a child who is 14
29 years of age or older may handle or have in his possession or under his
30 control, for the purpose of engaging in any of the activities listed in
31 paragraphs (a) to (g), inclusive, of subsection 6, a firearm capable of being
32 concealed upon the person, without being accompanied by his parent or
33 guardian or an adult person authorized by his parent or guardian to have
34 control or custody of him, if the child:

35 (a) Has the written permission of his parent or guardian to handle or
36 have in his possession or under his control such a firearm for the purpose
37 of engaging in such an activity; and

38 (b) Is not otherwise prohibited by law from possessing such a firearm.

39 8. A child shall not handle or have in his possession or under his
40 control a loaded firearm if he is:

41 (a) An occupant of a motor vehicle;

1 (b) Within any residence, including his residence, or any building other
2 than a facility licensed for target practice, unless possession of the firearm
3 is necessary for the immediate defense of the child or another person; or

4 (c) Within an area designated by a county or municipal ordinance as a
5 populated area for the purpose of prohibiting the discharge of weapons,
6 unless he is within a facility licensed for target practice.

7 9. For the purposes of this section, a firearm is loaded if:

8 (a) There is a cartridge in the chamber of the firearm;

9 (b) There is a cartridge in the cylinder of the firearm, if the firearm is a
10 revolver; or

11 (c) There is a cartridge in the magazine and the magazine is in the
12 firearm or there is a cartridge in the chamber, if the firearm is a
13 semiautomatic firearm.

14 **Sec. 16.** The provisions of subsection 1 of NRS 354.599 do not apply
15 to any additional expenses of a local government that are related to the
16 provisions of this act.

17 **Sec. 17.** The amendatory provisions of this act do not apply to
18 offenses that were committed before July 1, 1999.

19 **Sec. 18.** This act becomes effective on July 1, 1999.