

ASSEMBLY BILL NO. 229—COMMITTEE ON JUDICIARY

(ON BEHALF OF ATTORNEY GENERAL)

FEBRUARY 15, 1999

Referred to Committee on Judiciary

SUMMARY—Authorizes assignment of certain juvenile offenders to program of cognitive training and human development. (BDR 5-304)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to children; authorizing the assignment of certain juvenile offenders to a program of cognitive training and human development; establishing requirements for such a program; 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.** Chapter 62 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
- 3 ***1. In addition to the options set forth in NRS 62.211 and 62.213, the***
4 ***court may order a child who is found to be within the purview of this***
5 ***chapter to complete a program of cognitive training and human***
6 ***development pursuant to this section if:***
7 ***(a) The child is 14 1/2 years of age or older;***
8 ***(b) The child has not previously been found to be within the purview***
9 ***of this chapter; and***
10 ***(c) The unlawful act for which the child is found to be within the***
11 ***purview of this chapter did not involve the use or threatened use of force***
12 ***or violence against a victim.***
13 ***2. If the court orders a child to complete a program of cognitive***
14 ***training and human development, the court may order any or all of the***
15 ***following, in the following order of priority if practicable:***
16 ***(a) The child or the parent or guardian of the child, to the extent of***
17 ***his financial ability, to pay the costs associated with the participation of***

1 *the child in the program, including, without limitation, a reasonable sum*
2 *of money to pay for the cost of policies of insurance against liability for*
3 *personal injury and damage to property during those periods in which*
4 *the child participates in the program;*

5 *(b) The child to work on projects or perform public service pursuant*
6 *to paragraph (i) of subsection 1 of NRS 62.211 for a period that reflects*
7 *the costs associated with the participation of the child in the program; or*

8 *(c) The county in which the petition alleging the child to be delinquent*
9 *or in need of supervision is filed to pay the costs associated with the*
10 *participation of the child in the program.*

11 *3. A program of cognitive training and human development must*
12 *include, without limitation, education, instruction or guidance in the*
13 *following subjects:*

14 *(a) Motivation.*

15 *(b) Habits, attitudes and conditioning.*

16 *(c) Self-conditioning processes.*

17 *(d) Developing a successful way of life.*

18 *(e) The process of solving problems.*

19 *(f) Emotions and emotional blocks.*

20 *(g) Assurances and demonstrative maturity.*

21 *(h) Family success.*

22 *(i) Family relationships.*

23 *(j) Interfamilial understanding and communications.*

24 *(k) Financial stability.*

25 *(l) Effective communications.*

26 *(m) Obtaining and retaining employment.*

27 *4. A director of juvenile services may:*

28 *(a) Apply for and accept grants or gifts to finance a program of*
29 *cognitive training and human development; and*

30 *(b) Contract with persons and public or private entities that are*
31 *qualified to operate or to participate in a program of cognitive training*
32 *and human development.*

33 *5. As used in this section, "director of juvenile services" means:*

34 *(a) In a judicial district that does not include a county whose*
35 *population is 100,000 or more, the chief probation officer who is*
36 *designated pursuant to NRS 62.110;*

37 *(b) In a judicial district that includes a county whose population is*
38 *100,000 or more but less than 400,000, the director of juvenile services*
39 *who is appointed pursuant to NRS 62.1225;*

40 *(c) In a judicial district that includes a county whose population is*
41 *400,000 or more:*

42 *(1) The director of juvenile services who is appointed pursuant to*
43 *NRS 62.123; or*

1 *(2) The director of the department of family, youth and juvenile*
2 *services, if such a department has been established in the judicial district*
3 *pursuant to NRS 62.126 to 62.127, inclusive; or*

4 *(d) Any other person who is designated by a person listed in*
5 *paragraph (a), (b) or (c) to carry out the provisions of this section.*

6 **Sec. 2.** NRS 62.129 is hereby amended to read as follows:

7 62.129 1. A child alleged to be delinquent or in need of supervision
8 may be placed under the informal supervision of a probation officer if the
9 child voluntarily admits his participation in the acts for which he was
10 referred to the probation officer. If any of the acts would constitute a gross
11 misdemeanor or felony if committed by an adult, the child may not be
12 placed under informal supervision unless the district attorney approves of
13 the placement in writing. The probation officer must advise the child and
14 his parent, guardian or custodian that they may refuse informal
15 supervision.

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

27 3. An agreement for informal supervision may require a child to
28 ~~perform~~ :

29 *(a) Perform* public service or make restitution to the victim, if any, of
30 the acts for which the child was referred to the probation officer ~~H~~ ; *and*
31 *(b) Complete a program of cognitive training and human development*
32 *pursuant to section 1 of this act if:*

33 *(1) The child is 14 1/2 years of age or older;*

34 *(2) The child has not previously been found to be within the*
35 *purview of this chapter; and*

36 *(3) The unlawful act for which the child is found to be within the*
37 *purview of this chapter did not involve the use or threatened use of force*
38 *or violence against a victim.*

39 4. *If an agreement for informal supervision requires a child to*
40 *complete a program of cognitive training and human development*
41 *pursuant to section 1 of this act, the agreement may also require either or*
42 *both of the following, in the following order of priority if practicable:*

1 ***(a) The child or the parent or guardian of the child, to the extent of***
2 ***financial ability, to pay the costs associated with the participation of the***
3 ***child in the program, including, without limitation, a reasonable sum of***
4 ***money to pay for the cost of policies of insurance against liability for***
5 ***personal injury and damage to property during those periods in which***
6 ***the child participates in the program; or***

7 ***(b) The child to work on projects or perform public service pursuant***
8 ***to paragraph (i) of subsection 1 of NRS 62.211 for a period that reflects***
9 ***the costs associated with the participation of the child in the program.***

10 **5.** If a child is placed under informal supervision, a petition based
11 upon the events out of which the original complaint arose may be filed
12 only within 180 days after entry into the agreement for informal
13 supervision. If a petition is filed within that period, the child may withdraw
14 the admission he made pursuant to subsection 1. The child's compliance
15 with all proper and reasonable terms of the agreement constitute grounds
16 for the court to dismiss the petition.

17 ~~5.1~~ **6.** A probation officer shall file annually with the court a report of
18 the number of children placed under informal supervision during the
19 previous year, the conditions imposed in each case and the number of cases
20 that were successfully completed without the filing of a petition.

21 **Sec. 3.** The provisions of subsection 1 of NRS 354.599 do not apply
22 to any additional expenses of a local government that are related to the
23 provisions of this act.

24 **Sec. 4.** The amendatory provisions of this act do not apply to offenses
25 that were committed before October 1, 1999.