

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 any other action authorized pursuant to the***
4 ***provisions of this chapter, the court may order a child who is found to be***
5 ***within the purview of this chapter to complete a program of cognitive***
6 ***training and human development pursuant to this section if:***
7 ***(a) The child has never been found to be within the purview of this***
8 ***chapter; and***
9 ***(b) The unlawful act for which the child is found to be within the***
10 ***purview of this chapter did not involve the use or threatened use of force***
11 ***or violence against a victim.***
12 ***2. If the court orders a child to complete a program of cognitive***
13 ***training and human development, the court may order any or all of the***
14 ***following, in the following order of priority if practicable:***
15 ***(a) The child or the parent or guardian of the child, to the extent of***
16 ***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 one or*
13 *more of the following subjects, as deemed appropriate by the court:*

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) Conflict resolution.*

27 *(n) Anger management.*

28 *(o) Obtaining and retaining employment.*

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

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

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

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

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

39 *(b) In a judicial district that includes a county whose population is*
40 *100,000 or more but less than 400,000, the director of juvenile services*
41 *who is appointed pursuant to NRS 62.1225;*

42 *(c) In a judicial district that includes a county whose population is*
43 *400,000 or more;*

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

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

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

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

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

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

29 (a) Perform public service or provide restitution to any victim of the acts
30 for which the child was referred to the probation officer; ~~and~~

(b) Participate in a program of restitution through work that is established pursuant to section 1 of *Senate Bill No. 77 of this [act] session* if the child:

34 (1) Is 14 years of age or older;

(2) Has never been found to be within the purview of this chapter for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction;

39 (3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work H;

42 (c) Complete a program of cognitive training and human development
43 pursuant to section 1 of this act if:

1 ***(1) The child has never been found to be within the purview of this***
2 ***chapter; and***

3 ***(2) The unlawful act for which the child is found to be within the***
4 ***purview of this chapter did not involve the use or threatened use of force***
5 ***or violence against a victim; or***

6 ***(d) Engage in any combination of the activities set forth in***
7 ***paragraphs (a), (b) and (c).***

8 4. If an agreement for informal supervision requires a child to
9 participate in a program of restitution through work ~~§~~ ***as set forth in***
10 ***paragraph (b) of subsection 3 or complete a program of cognitive***
11 ***training and human development as set forth in paragraph (c) of***
12 ***subsection 3***, the agreement may also require any or all of the following, in
13 the following order of priority if practicable:

14 (a) The child or the parent or guardian of the child, to the extent of his
15 financial ability, to pay the costs associated with the participation of the
16 child in the program, including, without limitation, a reasonable sum of
17 money to pay for the cost of policies of insurance against liability for
18 personal injury and damage to property ~~for for industrial insurance, or~~
19 ~~both,~~ during those periods in which the child participates in the program or
20 performs work, ~~unless,~~ ***and*** in the case of ***a program of restitution***
21 ***through work, for*** industrial insurance, ~~it~~ ***unless the industrial insurance***
22 ***is provided by the employer for which the child performs the work; or***

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

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

33 6. 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. 3.** The provisions of subsection 1 of NRS 354.599 do not apply to
38 any additional expenses of a local government that are related to the
39 provisions of this act.

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

1 **Sec. 5.** Section 2 of this act becomes effective at 12:01 a.m. on
2 October 1, 1999.

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