

ASSEMBLY BILL NO. 473—ASSEMBLYMEN MCCLAIN, MANENDO, COLLINS, CLABORN, LESLIE, KOIVISTO, ANDERSON, EVANS, NOLAN, BEERS, PARNELL, TIFFANY, FREEMAN, BACHE, GIUNCHIGLIANI, WILLIAMS, PARKS, VON TOBEL, CHOWNING, HUMKE, OHRENSCHALL, DE BRAGA, PERKINS, LEE, NEIGHBORS, MORTENSON, SEGERBLOM, GIBBONS, BUCKLEY, ARBERRY AND CARPENTER

MARCH 11, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning domestic violence. (BDR 5-1011)

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 domestic violence; providing that a juvenile who is taken into custody for committing a battery that constitutes domestic violence must not be released for at least 12 hours; revising provisions concerning when an officer who takes a juvenile into custody must notify a parent, guardian or custodian and probation officer of the juvenile; revising the provisions governing orders for protection against domestic violence; providing that a person who commits a battery upon a person to whom he is related by marriage or with whom he has had or is having a dating relationship may not be admitted to bail sooner than 12 hours after his arrest; establishing the amount at which bail must be set if such a person is subsequently admitted to bail in certain circumstances; 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 62.040 is hereby amended to read as follows:
2 62.040 1. Except if the child involved is subject to the exclusive
3 jurisdiction of an Indian tribe, and except as otherwise provided in this
4 chapter, the court has exclusive original jurisdiction in proceedings:
5 (a) Concerning any child living or found within the county who is in
6 need of supervision because he:

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

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

5 (3) Deserts, abandons or runs away from his home or usual place of
6 abode,
7 and is in need of care or rehabilitation. The child must not be considered a
8 delinquent.

9 (b) Concerning any child living or found within the county who has
10 committed a delinquent act. A child commits a delinquent act if he violates
11 a county or municipal ordinance or any rule or regulation having the force
12 of law, or he commits an act designated a crime under the law of the State
13 of Nevada.

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

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

19 (a) Murder or attempted murder and any other related offense arising
20 out of the same facts as the murder or attempted murder, regardless of the
21 nature of the related offense.

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

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

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

31 (c) An offense or attempted offense involving the use or threatened use
32 of a firearm and any other related offense arising out of the same facts as
33 the offense or attempted offense involving the use or threatened use of a
34 firearm, regardless of the nature of the related offense, if:

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

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

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

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

5 (a) The restrictions set forth in subsection ~~5~~ 6 of NRS 62.170 are
6 applicable in those proceedings; and

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

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

11 **Sec. 2.** NRS 62.170 is hereby amended to read as follows:

12 62.170 1. Except as otherwise provided in NRS 62.175 and section 2
13 of Assembly Bill No. 221 of this session, a peace officer or probation
14 officer may take into custody any child:

15 (a) Who the officer has probable cause to believe is violating or has
16 violated any law, ordinance or rule or regulation having the force of law; or

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

18 2. Except as otherwise provided in this section, section 2 of Assembly
19 Bill No. 221 of this session and NRS 484.383, if a child is taken into
20 custody:

21 (a) The officer shall, without undue delay, attempt to notify, if known,
22 the parent, guardian or custodian of the child;

23 (b) The facility in which the child is detained shall, without undue delay:

24 (1) Notify a probation officer; and

25 (2) Attempt to notify, if known, the parent, guardian or custodian of
26 the child if such notification was not accomplished pursuant to paragraph
27 (a); and

28 (c) Unless it is impracticable or inadvisable or has been otherwise
29 ordered by the court, the child must be released to the custody of his parent
30 or other responsible adult who has signed a written agreement to bring the
31 child to the court at a stated time or at such time as the court may direct.
32 The written agreement must be submitted to the court as soon as possible.
33 If this person fails to produce the child as agreed or upon notice from the
34 court, a writ may be issued for the attachment of the person or of the child
35 requiring that the person or child, or both of them, be brought into the court
36 at a time stated in the writ.

37 3. Except as otherwise provided in this section and section 2 of
38 Assembly Bill No. 221 of this session, if a child who is taken into custody
39 is not released pursuant to subsection 2:

40 (a) The child must be taken without unnecessary delay to:

41 (1) The court; or

42 (2) The place of detention designated by the court and, as soon as
43 possible thereafter, the fact of detention must be reported to the court; and

1 (b) Pending further disposition of the case, the court may order that the
2 child be:

3 (1) Released to the custody of the parent or other person appointed by
4 the court;

5 (2) Detained in such place as is designated by the court, subject to
6 further order of the court; or

7 (3) Conditionally released for supervised detention at the home of the
8 child in lieu of detention at a facility for the detention of juveniles.

9 4. *A child who is taken into custody for committing a battery that*
10 *constitutes domestic violence pursuant to NRS 33.018 must not be*
11 *released from custody sooner than 12 hours after he is taken into*
12 *custody.*

13 5. Except as otherwise provided in *subsection 4 and* section 2 of
14 Assembly Bill No. 221 of this session, if a child is alleged to be delinquent
15 or in need of supervision, the child must not, before disposition of the case,
16 be detained in a facility for the secure detention of juveniles unless there is
17 probable cause to believe that:

18 (a) If the child is not detained, he is likely to commit an offense
19 dangerous to himself or to the community, or likely to commit damage to
20 property;

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

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

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

26 ~~5.1~~ 6. If a child is not alleged to be delinquent or in need of
27 supervision, the child must not, at any time, be confined or detained in:

28 (a) A facility for the secure detention of juveniles; or

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

31 ~~6.1~~ 7. If a child is less than 18 years of age, the child must not, at any
32 time, be confined or detained in any police station, lockup, jail, prison or
33 other facility where the child has regular contact with any adult who is
34 confined or detained therein and who has been convicted of a crime or
35 charged with a crime, unless:

36 (a) The child is alleged to be delinquent;

37 (b) An alternative facility is not available; and

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

40 ~~7.1~~ 8. If a child who is alleged to be delinquent is taken into custody
41 and detained, the child must be given a detention hearing, conducted by the
42 judge or master:

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

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

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

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

12 ~~§ 9.~~ If the parent, guardian or custodian of the child appears with or
13 on behalf of the child at a detention hearing, the judge or master shall
14 provide to him a certificate of attendance which he may provide to his
15 employer. The certificate of attendance must set forth the date and time of
16 appearance and the provisions of NRS 62.900. The certificate of attendance
17 must not set forth the name of the child or the offense alleged.

18 ~~§ 10.~~ Except as otherwise provided in subsection ~~§ 11,~~ if a child
19 who is alleged to be in need of supervision is taken into custody and
20 detained, the child must be released within 24 hours, excluding Saturdays,
21 Sundays and holidays, after his initial contact with a peace officer to his
22 parent, guardian or custodian, to any other person who is able to provide
23 adequate care and supervision, or to shelter care, unless the court holds a
24 detention hearing and determines the child:

25 (a) Has threatened to run away from home or from the shelter;

26 (b) Is accused of violent behavior at home; or

27 (c) Is accused of violating the terms of his supervision and consent
28 decree.

29 If the court makes such a determination, the child may be detained for an
30 additional 24 hours after the hearing, excluding Saturdays, Sundays and
31 holidays, if needed by the court to make an alternative placement. Such an
32 alternative placement must be in a facility in which there are no physically
33 restraining devices or barriers. A child must not be detained pursuant to this
34 subsection for a total period in excess of 48 hours, excluding Saturdays,
35 Sundays and holidays.

36 ~~§ 11.~~ If a child who is alleged to be in need of supervision is taken
37 into custody and detained, the child need not be released pursuant to
38 subsection ~~§ 10,~~ if the court holds a detention hearing and determines the
39 child:

40 (a) Is a ward of a federal court or held pursuant to federal statute;

41 (b) Has run away from another state and a jurisdiction within the state
42 has issued a want, warrant or request for the child; or

1 (c) Is accused of violating a valid court order.
2 If the court makes such a determination, the child may be detained for such
3 an additional period as necessary for the court to return the child to the
4 jurisdiction from which he originated or to make an alternative placement.
5 Such an alternative placement must be in a facility in which there are no
6 physically restraining devices or barriers.

7 ~~{11}~~ 12. During the pendency of a criminal or quasi-criminal charge of
8 a crime excluded from the original jurisdiction of the juvenile court
9 pursuant to NRS 62.040, a child may petition the juvenile court for
10 temporary placement in a facility for the detention of juveniles.

11 ~~{12}~~ 13. In determining whether to release a child pursuant to this
12 section to a person other than his parent, guardian or custodian, preference
13 must be given to any person related within the third degree of
14 consanguinity to the child who is suitable and able to provide proper care
15 and guidance for the child.

16 **Sec. 3.** NRS 33.090 is hereby amended to read as follows:

17 33.090 1. *A valid order for protection against domestic violence*
18 *issued by a court of another state, territory or Indian tribe within the*
19 *United States must be accorded full faith and credit by the courts of this*
20 *state and enforced as if it were issued by a court in this state, regardless*
21 *of whether the order has been registered in this state.*

22 2. A person may apply to a court of this state to register an order for
23 protection against domestic violence issued by the court of another state,
24 territory or Indian tribe within the United States by presenting a certified
25 copy of the order to the clerk of the court in a judicial district in which the
26 person believes that enforcement may be necessary.

27 ~~{2}~~ 3. Except as otherwise provided in subsection ~~{4}~~ 5, upon
28 application by the protected party pursuant to subsection ~~{1}~~ 2, a court of
29 competent jurisdiction in this state shall register such an order if:

30 (a) The court determines that the issuing court had proper jurisdiction
31 over the parties and the subject matter under the laws of the state, territory
32 or tribe; and

33 (b) The court determines that the adverse party was given reasonable
34 notice and an opportunity to be heard before the order was issued or, in the
35 case of an ex parte order, the adverse party was given reasonable notice and
36 an opportunity to be heard as soon as possible after the order was issued.

37 ~~{3}~~ 4. An order that is registered has the same effect and must be
38 enforced in like manner as an order for protection against domestic
39 violence issued by a court of this state.

40 ~~{4}~~ 5. If the order for protection against domestic violence issued by
41 the court of another state, territory or Indian tribe was a mutual order for
42 protection against domestic violence and:

43 (a) No counter or cross-petition was filed seeking such protection order;

1 (b) A counter or cross-petition was filed and the court did not make a
2 specific finding of domestic violence by both parties; or

3 (c) The person who is applying to register the order has violated a law of
4 the State of Nevada relating to a different protection order issued against
5 him,

6 the court may refuse to register and enforce the order and may determine
7 whether to issue its own temporary or extended order.

8 ~~15.1~~ 6. A temporary or extended order of another state, territory or
9 Indian tribe presented pursuant to this section which appears authentic on
10 its face must be presumed valid.

11 ~~16.1~~ 7. A court, law enforcement officer or any other person who
12 enforces an order for protection against domestic violence based upon a
13 reasonable belief that the order is valid is immune from civil liability for
14 any action taken based on that belief.

15 ~~17.1~~ 8. The clerk of the court shall maintain a record of each order
16 registered pursuant to this section.

17 ~~18.1~~ 9. The clerk shall not charge a fee for an application to register or
18 for registering an order pursuant to this section.

19 ~~19.1~~ 10. The clerk shall inform the protected party upon the successful
20 transfer of information concerning the registration to the central repository
21 for Nevada records of criminal history as required pursuant to NRS 33.095.

22 **Sec. 4.** NRS 178.484 is hereby amended to read as follows:

23 178.484 1. Except as otherwise provided in this section, a person
24 arrested for an offense other than murder of the first degree must be
25 admitted to bail.

26 2. A person arrested for a felony who has been released on probation
27 or parole for a different offense must not be admitted to bail unless:

28 (a) A court issues an order directing that the person be admitted to bail;

29 (b) The state board of parole commissioners directs the detention
30 facility to admit the person to bail; or

31 (c) The division of parole and probation of the department of motor
32 vehicles and public safety directs the detention facility to admit the person
33 to bail.

34 3. A person arrested for a felony whose sentence has been suspended
35 pursuant to NRS 4.373 or 5.055 for a different offense or who has been
36 sentenced to a term of residential confinement pursuant to NRS 4.3762 or
37 5.076 for a different offense must not be admitted to bail unless:

38 (a) A court issues an order directing that the person be admitted to bail;
39 or

40 (b) A department of alternative sentencing directs the detention facility
41 to admit the person to bail.

42 4. A person arrested for murder of the first degree may be admitted to
43 bail unless the proof is evident or the presumption great by any competent

1 court or magistrate authorized by law to do so in the exercise of discretion,
2 giving due weight to the evidence and to the nature and circumstances of
3 the offense.

4 5. A person arrested for a battery ~~{upon his spouse, former spouse, a~~
5 ~~person to whom he is related by blood, a person with whom he is or was~~
6 ~~actually residing or with whom he has a child in common, his minor child~~
7 ~~or a minor child of that person,}~~ **that constitutes domestic violence**
8 **pursuant to NRS 33.018** must not be admitted to bail sooner than 12 hours
9 after his arrest. If the person is admitted to bail more than 12 hours after his
10 arrest, pursuant to subsection 5 of NRS 171.178, without appearing
11 personally before a magistrate, the amount of bail must be:

12 (a) Three thousand dollars, if the person has no previous convictions of
13 battery ~~{upon a person listed in this subsection}~~ **that constitute domestic**
14 **violence pursuant to NRS 33.018** and there is no reason to believe that the
15 battery for which he has been arrested resulted in substantial bodily harm;

16 (b) Five thousand dollars, if the person has:

17 (1) No previous convictions of battery ~~{upon a person listed in this~~
18 ~~subsection,}~~ **that constitute domestic violence pursuant to NRS 33.018,**
19 but there is reason to believe that the battery for which he has been arrested
20 resulted in substantial bodily harm; or

21 (2) One previous conviction of battery ~~{upon a person listed in this~~
22 ~~subsection,}~~ **that constitutes domestic violence pursuant to NRS 33.018,**
23 but there is no reason to believe that the battery for which he has been
24 arrested resulted in substantial bodily harm; or

25 (c) Fifteen thousand dollars, if the person has:

26 (1) One previous conviction of battery ~~{upon a person listed in this~~
27 ~~subsection,}~~ **that constitutes domestic violence pursuant to NRS 33.018**
28 and there is reason to believe that the battery for which he has been arrested
29 resulted in substantial bodily harm; or

30 (2) Two or more previous convictions of battery ~~{upon one or more~~
31 ~~persons listed in this subsection,}~~ **that constitute domestic violence**
32 **pursuant to NRS 33.018.**

33 The provisions of this subsection do not affect the authority of a magistrate
34 or a court to set the amount of bail when the person personally appears
35 before the magistrate or the court. **For the purposes of this subsection, a**
36 **person shall be deemed to have a previous conviction of battery that**
37 **constitutes domestic violence pursuant to NRS 33.018 if the person has**
38 **been convicted of such an offense in this state or has been convicted of**
39 **violating a law of any other jurisdiction that prohibits the same or similar**
40 **conduct.**

41 6. The court may, before releasing a person arrested for an offense
42 punishable as a felony, require the surrender to the court of any passport the
43 person possesses.

1 7. Before releasing a person arrested for any crime, the court may
2 impose such reasonable conditions on the person as it deems necessary to
3 protect the health, safety and welfare of the community and to ensure that
4 the person will appear at all times and places ordered by the court,
5 including, without limitation:

6 (a) Requiring the person to remain in this state or a certain county within
7 this state;

8 (b) Prohibiting the person from contacting or attempting to contact a
9 specific person or from causing or attempting to cause another person to
10 contact that person on his behalf;

11 (c) Prohibiting the person from entering a certain geographic area; or

12 (d) Prohibiting the person from engaging in specific conduct that may be
13 harmful to his own health, safety or welfare, or the health, safety or welfare
14 of another person.

15 In determining whether a condition is reasonable, the court shall consider
16 the factors listed in NRS 178.4853.

17 8. If a person fails to comply with a condition imposed pursuant to
18 subsection 7, the court may, after providing the person with reasonable
19 notice and an opportunity for a hearing:

20 (a) Deem such conduct a contempt pursuant to NRS 22.010; or

21 (b) Increase the amount of bail pursuant to NRS 178.499.

22 9. An order issued pursuant to this section that imposes a condition on
23 a person admitted to bail must include a provision ordering any law
24 enforcement officer to arrest the person if he has probable cause to believe
25 that the person has violated a condition of his bail.

26 10. Before a person may be admitted to bail, he must sign a document
27 stating that:

28 (a) He will appear at all times and places as ordered by the court
29 releasing him and as ordered by any court before which the charge is
30 subsequently heard;

31 (b) He will comply with the other conditions which have been imposed
32 by the court and are stated in the document; and

33 (c) If he fails to appear when so ordered and is taken into custody
34 outside of this state, he waives all his rights relating to extradition
35 proceedings.

36 The signed document must be filed with the clerk of the court of competent
37 jurisdiction as soon as practicable, but in no event later than the next
38 business day.

39 11. If a person admitted to bail fails to appear as ordered by a court
40 and the jurisdiction incurs any cost in returning the person to the
41 jurisdiction to stand trial, the person who failed to appear is responsible for
42 paying those costs as restitution.

1 **Sec. 5.** Assembly Bill No. 262 of this session is hereby amended by
2 deleting section 1 and adding:

3 **Section 1.** (Deleted by amendment.)

4 **Sec. 6.** Section 2 of Assembly Bill No. 262 of this session is hereby
5 amended to read as follows:

6 **Sec. 2.** NRS 62.170 is hereby amended to read as follows:

7 62.170 1. Except as otherwise provided in NRS 62.175 and
8 section 2 of *Assembly Bill No. 221 of this {act,} session*, a peace
9 officer or probation officer may take into custody any child:

10 (a) Who the officer has probable cause to believe is violating or
11 has violated any law, ordinance or rule or regulation having the
12 force of law; or

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

15 2. Except as otherwise provided in this section, section 2 of
16 *Assembly Bill No. 221 of this {act} session* and NRS 484.383, if a
17 child is taken into custody:

18 (a) The officer shall *{immediately}, without undue delay,*
19 *attempt to* notify , *if known*, the parent, guardian or custodian of the
20 child *{, if known, and the} ;*

21 ***(b) The facility in which the child is detained shall, without***
22 ***undue delay:***

23 ***(1) Notify*** a probation officer; and

24 ***{(b)} (2) Attempt to notify, if known, the parent, guardian or***
25 ***custodian of the child if such notification was not accomplished***
26 ***pursuant to paragraph (a); and***

27 ***(c)*** Unless it is impracticable or inadvisable or has been
28 otherwise ordered by the court, the child must be released to the
29 custody of his parent or other responsible adult who has signed a
30 written agreement to bring the child to the court at a stated time or
31 at such time as the court may direct. The written agreement must be
32 submitted to the court as soon as possible. If this person fails to
33 produce the child as agreed or upon notice from the court, a writ
34 may be issued for the attachment of the person or of the child
35 requiring that the person or child, or both of them, be brought into
36 the court at a time stated in the writ.

37 3. Except as otherwise provided in this section and section 2 of
38 *Assembly Bill No. 221 of this {act,} session*, if a child who is taken
39 into custody is not released pursuant to subsection 2:

40 (a) The child must be taken without unnecessary delay to:

41 (1) The court;

or

1 (2) The place of detention designated by the court ~~is~~ and, as
2 soon as possible thereafter, the fact of detention must be reported to
3 the court; and

4 (b) Pending further disposition of the case, the court may order
5 that the child be:

6 (1) Released to the custody of the parent or other person
7 appointed by the court;

8 (2) Detained in such place as is designated by the court,
9 subject to further order of the court; or

10 (3) Conditionally released for supervised detention at the
11 home of the child in lieu of detention at a facility for the detention
12 of juveniles.

13 4. Except as otherwise provided in section 2 of *Assembly Bill*
14 *No. 221 of this ~~act,~~ session*, if a child is alleged to be delinquent
15 or in need of supervision, the child must not, before disposition of
16 the case, be detained in a facility for the secure detention of
17 juveniles unless there is probable cause to believe that:

18 (a) If the child is not detained, he is likely to commit an offense
19 dangerous to himself or to the community, or likely to commit
20 damage to property;

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

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

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

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

29 (a) A facility for the secure detention of juveniles; or

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

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

37 (a) The child is alleged to be delinquent;

38 (b) An alternative facility is not available; and

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

41 7. If a child who is alleged to be delinquent is taken into
42 custody and detained, the child must be given a detention hearing,
43 conducted by the judge or master:

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

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

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

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

15 8. If the parent, guardian or custodian of the child appears with
16 or on behalf of the child at a detention hearing, the judge or master
17 shall provide to him a certificate of attendance which he may
18 provide to his employer. The certificate of attendance must set forth
19 the date and time of appearance and the provisions of NRS 62.900.
20 The certificate of attendance must not set forth the name of the child
21 or the offense alleged.

22 9. Except as otherwise provided in subsection 10, if a child
23 who is alleged to be in need of supervision is taken into custody and
24 detained, the child must be released within 24 hours, excluding
25 Saturdays, Sundays and holidays, after his initial contact with a
26 peace officer to his parent, guardian or custodian, to any other
27 person who is able to provide adequate care and supervision, or to
28 shelter care, unless the court holds a detention hearing and
29 determines the child:

30 (a) Has threatened to run away from home or from the shelter;

31 (b) Is accused of violent behavior at home; or

32 (c) Is accused of violating the terms of his supervision and
33 consent decree.

34 If the court makes such a determination, the child may be detained
35 for an additional 24 hours after the hearing, excluding Saturdays,
36 Sundays and holidays, if needed by the court to make an alternative
37 placement. Such an alternative placement must be in a facility in
38 which there are no physically restraining devices or barriers. A
39 child must not be detained pursuant to this subsection for a total
40 period in excess of 48 hours, excluding Saturdays, Sundays and
41 holidays.

42 10. If a child who is alleged to be in need of supervision is
43 taken into custody and detained, the child need not be released

1 pursuant to subsection 9, if the court holds a detention hearing and
2 determines the child:

3 (a) Is a ward of a federal court or held pursuant to federal
4 statute;

5 (b) Has run away from another state and a jurisdiction within the
6 state has issued a want, warrant or request for the child; or

7 (c) Is accused of violating a valid court order.

8 If the court makes such a determination, the child may be detained
9 for such an additional period as necessary for the court to return the
10 child to the jurisdiction from which he originated or to make an
11 alternative placement. Such an alternative placement must be in a
12 facility in which there are no physically restraining devices or
13 barriers.

14 11. During the pendency of a criminal or quasi-criminal charge
15 of a crime excluded from the original jurisdiction of the juvenile
16 court pursuant to NRS 62.040, a child may petition the juvenile
17 court for temporary placement in a facility for the detention of
18 juveniles.

19 12. In determining whether to release a child pursuant to this
20 section to a person other than his parent, guardian or custodian,
21 preference must be given to any person related within the third
22 degree of consanguinity to the child who is suitable and able to
23 provide proper care and guidance for the child.

24 **Sec. 7.** Assembly Bill No. 262 of this session is hereby amended by
25 adding thereto a new section designated sec. 3, following sec. 2, to read as
26 follows:

27 **Sec. 3.** This act becomes effective at 12:01 a.m. on October 1,
28 1999.

29 **Sec. 8.** The amendatory provisions of section 4 of this act do not apply
30 to a person who is admitted to bail before October 1, 1999.

31 **Sec. 9.** Sections 1, 2, 5, 6 and 7 of this act become effective at
32 12:03 a.m. on October 1, 1999.