

SENATE BILL NO. 77—SENATORS WIENER, CARE, MCGINNESS,
PORTER, TITUS AND WASHINGTON

FEBRUARY 2, 1999

Referred to Committee on Judiciary

SUMMARY—Authorizes juvenile courts and probation officers to allow certain juvenile offenders to participate in programs of restitution through work that includes instruction in skills for employment and work ethics. (BDR 5-135)

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 ~~omitted material~~ is material to be omitted.

AN ACT relating to children; authorizing juvenile courts and probation officers to allow certain juvenile offenders to participate in programs of restitution through work that includes instruction in skills for employment and work ethics; providing for the establishment of such programs; and providing other matters properly relating thereto.

WHEREAS, Reduction of acts of delinquency by juveniles is a vital interest of this state and its local governments and is a paramount concern of communities and families;

WHEREAS, Traditional methods of punishment and confinement of juvenile offenders who commit violent acts must remain an essential component of the juvenile justice system;

WHEREAS, Traditional methods of punishment and confinement place an extraordinary burden upon the limited resources of this state and its local governments;

WHEREAS, Traditional methods of punishment and confinement may not be required in every case to rehabilitate juvenile offenders who commit nonviolent acts and to reintegrate such juvenile offenders into their families and the community;

WHEREAS, Restorative justice focuses upon the restoration of victims and encourages juvenile offenders who commit nonviolent acts to understand and be responsible for the consequences of their conduct, to

empathize with their victims and to be accountable for and repay the damages they have caused their victims;

WHEREAS, Statistics reviewed by the National Center for Juvenile Justice reveal that the recidivism rate for juvenile offenders who commit nonviolent acts is lowered when those juvenile offenders use their own earnings from work to pay restitution to their victims;

WHEREAS, Juvenile offenders who receive instruction in skills for employment and work ethics and who use their own earnings from work to pay restitution to their victims are engaging in productive activities that provide opportunities to learn skills, to interact positively with responsible adults and community leaders and to demonstrate that they are capable of being responsible, productive and contributing members of the community;

WHEREAS, Employers who provide employment opportunities for juvenile offenders are given an empowered role in the juvenile justice system and become active partners in the effort to reduce juvenile delinquency and restore the safety and vitality of neighborhoods and communities; and

WHEREAS, Juvenile offenders who work are more likely to structure their time positively and to understand and be responsible for the consequences of their conduct and are less likely to be truant from school and to engage in idle mischief; now, therefore,

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 participate in a program of restitution through work that is**
6 **established pursuant to this section if the child:**

7 **(a) Is 14 years of age or older;**

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

12 **(c) Is ordered to provide restitution to a victim; and**

13 **(d) Voluntarily agrees to participate in the program of restitution**
14 **through work.**

15 **2. If the court orders a child to participate in a program of restitution through**
16 **work, the court may order any or all of the following, in the**
17 **following order of priority if practicable:**

1 ***(a) The child or the parent or guardian of the child, to the extent of***
2 ***his financial ability, to pay the costs associated with the participation of***
3 ***the child in the program, including, without limitation, a reasonable sum***
4 ***of money to pay for the cost of policies of insurance against liability for***
5 ***personal injury and damage to property or for industrial insurance, or***
6 ***both, during those periods in which the child participates in the program***
7 ***or performs work, unless, in the case of industrial insurance, it is***
8 ***provided by the employer for which the child performs the work; or***

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

12 ***3. A director of juvenile services may establish a program of***
13 ***restitution through work. A program of restitution through work must:***

14 ***(a) Include, without limitation, instruction in skills for employment***
15 ***and work ethics; and***

16 ***(b) Require a child who participates in the program to:***

17 ***(1) With the assistance of the program and if practicable, seek and***
18 ***obtain a position of employment with a public or private employer; and***

19 ***(2) Sign an authorization form that permits money to be deducted***
20 ***from the wages of the child to pay restitution. The director of juvenile***
21 ***services may prescribe the contents of the authorization form and may***
22 ***determine the amount of money to be deducted from the wages of the***
23 ***child to pay restitution.***

24 ***4. A program of restitution through work may include, without***
25 ***limitation, cooperative agreements with public or private employers to***
26 ***make available positions of employment for a child who participates in***
27 ***the program.***

28 ***5. A director of juvenile services may terminate participation by a***
29 ***child in a program of restitution through work for any lawful reason or***
30 ***purpose.***

31 ***6. A director of juvenile services may:***

32 ***(a) Apply for and accept grants or gifts to finance a program of***
33 ***restitution through work; and***

34 ***(b) Contract with persons and public or private entities that are***
35 ***qualified to operate or to participate in a program of restitution through***
36 ***work.***

37 ***7. The provisions of this section do not:***

38 ***(a) Create a right on behalf of a child to participate in a program of***
39 ***restitution through work or to hold a position of employment; or***

40 ***(b) Establish a basis for any cause of action against the state or its***
41 ***officers or employees for denial of the ability to participate in or for removal from***
42 ***a program of restitution through work or for denial of or***
43 ***removal from a position of employment.***

1 **8. As used in this section, “director of juvenile services” means:**

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

5 **(b) In a judicial district that includes a county whose population is**
6 **100,000 or more but less than 400,000, the director of juvenile services**
7 **who is appointed pursuant to NRS 62.1225;**

8 **(c) In a judicial district that includes a county whose population is**
9 **400,000 or more:**

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

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

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

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

18 62.129 1. A child alleged to be delinquent or in need of supervision
19 may be placed under the informal supervision of a probation officer if the
20 child voluntarily admits his participation in the acts for which he was
21 referred to the probation officer. If any of the acts would constitute a gross
22 misdemeanor or felony if committed by an adult, the child may not be
23 placed under informal supervision unless the district attorney approves of
24 the placement in writing. The probation officer must advise the child and
25 his parent, guardian or custodian that they may refuse informal supervision.

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

37 3. An agreement for informal supervision may require a child to
38 ~~{perform}~~ :

39 **(a) Perform** public service or ~~{make}~~ **provide** restitution to ~~{the victim,~~
40 ~~if any,}~~ **any victim** of the acts for which the child was referred to the
41 probation officer ~~{;}~~ **; and**

42 **(b) Participate in a program of restitution through work that is**
43 **established pursuant to section 1 of this act if the child:**

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

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

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

7 ***(4) Voluntarily agrees to participate in the program of restitution***
8 ***through work.***

9 ***4. If an agreement for informal supervision requires a child to***
10 ***participate in a program of restitution through work, the agreement may***
11 ***also require any or all of the following, in the following order of priority***
12 ***if practicable:***

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

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

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

31 ~~***5.***~~ ***6. A probation officer shall file annually with the court a report of***
32 ***the number of children placed under informal supervision during the***
33 ***previous year, the conditions imposed in each case and the number of cases***
34 ***that were successfully completed without the filing of a petition.***

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

38 ***Sec. 4. The amendatory provisions of this act do not apply to offenses***
39 ***that are committed before October 1, 1999.***