

SENATE BILL NO. 87—SENATORS WIENER, MCGINNESS,  
PORTER, TITUS AND WASHINGTON

FEBRUARY 3, 1999

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Referred to Committee on Judiciary

SUMMARY—Authorizes juvenile court to require certain children to participate in supervised program for the arts. (BDR 5-136)

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.

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AN ACT relating to children; authorizing a juvenile court to require certain children to participate in a supervised program for the arts; 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 62.211 is hereby amended to read as follows:  
2     62.211 1. Except as otherwise provided in NRS 62.212, 62.224 and  
3     62.2245, if the court finds that a child is within the purview of this chapter  
4     it shall so decree and may:  
5     (a) Place the child under supervision in his own home or in the custody  
6     of a suitable person elsewhere, upon such conditions as the court may  
7     determine. A program of supervision in the home may include electronic  
8     surveillance of the child. The legislature declares that a program of  
9     supervision that includes electronic surveillance is intended as an  
10    alternative to commitment and not as an alternative to probation, informal  
11    supervision or a supervision and consent decree.  
12    (b) Commit the child to the custody of a public or private institution or  
13    agency authorized to care for children, or place him in a home with a  
14    family. In committing a child to a private institution or agency the court  
15    shall select one that is required to be licensed by the department of human  
16    resources to care for such children, or, if the institution or agency is in another state,  
17    by the analogous department of that state. The court shall not  
18    commit a female child to a private institution without prior approval of the

1 superintendent of the Caliente youth center, and shall not commit a male  
2 child to a private institution without prior approval of the superintendent of  
3 the Nevada youth training center.

4 (c) Order such medical, psychiatric, psychological or other care and  
5 treatment as the court deems to be for the best interests of the child, except  
6 as otherwise provided in this section.

7 (d) Order the parent, guardian, custodian or any other person to refrain  
8 from continuing the conduct which, in the opinion of the court, has caused  
9 or tended to cause the child to come within or remain under the provisions  
10 of this chapter.

11 (e) If the child is less than 18 years of age, order:

12 (1) The parent, guardian or custodian of the child; and

13 (2) Any brother, sister or other person who is living in the same  
14 household as the child over whom the court has jurisdiction,  
15 to attend or participate in counseling, with or without the child, including,  
16 but not limited to, counseling regarding parenting skills, alcohol or  
17 substance abuse, or techniques of dispute resolution.

18 (f) Order the parent or guardian of the child to participate in a program  
19 designed to provide restitution to the victim of an act committed by the  
20 child or to perform public service.

21 (g) Order the parent or guardian of the child to pay all or part of the cost  
22 of the proceedings, including, but not limited to, reasonable attorney's fees,  
23 any costs incurred by the court and any costs incurred in the investigation  
24 of an act committed by the child and the taking into custody of the child.

25 (h) Order the suspension of the child's driver's license for at least 90  
26 days but not more than 2 years. If the child does not possess a driver's  
27 license, the court may prohibit the child from receiving a driver's license  
28 for at least 90 days but not more than 2 years:

29 (1) Immediately following the date of the order, if the child is eligible  
30 to receive a driver's license.

31 (2) After the date he becomes eligible to apply for a driver's license,  
32 if the child is not eligible to receive a license on the date of the order.  
33 If the court issues an order suspending the driver's license of a child  
34 pursuant to this paragraph, the judge shall require the child to surrender to  
35 the court all driver's licenses then held by the child. The court shall, within  
36 5 days after issuing the order, forward to the department of motor vehicles  
37 and public safety the licenses, together with a copy of the order. If,  
38 pursuant to this paragraph, the court issues an order delaying the ability of a  
39 child to receive a driver's license, the court shall, within 5 days after  
40 issuing the order, forward to the department of motor vehicles and public  
41 safety a copy of the order. The department of motor vehicles and public safety shall  
42 report a suspension pursuant to this paragraph to an insurance  
43 company or its agent inquiring about the child's driving record, but such a

1 suspension must not be considered for the purpose of rating or  
2 underwriting. The department of motor vehicles and public safety shall not  
3 require the child to submit to the tests and other requirements which are  
4 adopted by regulation pursuant to subsection 1 of NRS 483.495 as a  
5 condition of reinstatement or reissuance after a suspension of his license  
6 pursuant to this paragraph, unless the suspension resulted from his poor  
7 performance as a driver.

8 (i) Place the child, when he is not in school, under the supervision of:

9 (1) A public organization to work on public projects;

10 (2) A public agency to work on projects to eradicate graffiti; or

11 (3) A private nonprofit organization to perform other public service.

12 The person under whose supervision the child is placed shall keep the child  
13 busy and well supervised and shall make such reports to the court as it may  
14 require. As a condition of such a placement, the court may require the child  
15 or his parent or guardian to deposit with the court a reasonable sum of  
16 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 both,  
18 during those periods in which he performs the work, unless, in the case of  
19 industrial insurance, it is provided by the organization or agency for which  
20 he performs the work.

21 (j) Permit the child to reside in a residence without the immediate  
22 supervision of an adult, or exempt the child from mandatory attendance at  
23 school so that the child may be employed full time, or both, if the child is at  
24 least 16 years of age, has demonstrated the capacity to benefit from this  
25 placement or exemption and is under the strict supervision of the juvenile  
26 division.

27 (k) Require the child to provide restitution to the victim of the crime  
28 which the child has committed.

29 (l) Impose a fine on the child. If a fine is imposed, the court shall impose  
30 an administrative assessment pursuant to NRS 62.223.

31 (m) If the child has not previously been found to be within the purview  
32 of this chapter and if the act for which the child is found to be within the  
33 purview of this chapter did not involve the use or threatened use of force or  
34 violence, order the child to participate in a publicly or privately operated  
35 program of sports or physical fitness ~~[-]~~ **that is adequately supervised or a**  
36 **publicly or privately operated program for the arts that is adequately**  
37 **supervised. A program for the arts may include, but is not limited to,**  
38 **drawing, painting, photography or other visual arts, musical, dance or**  
39 **theatrical performance, writing or any other structured activity that**  
40 **involves creative or artistic expression.** If the court orders the child to  
41 participate in ~~[-]~~ a program ~~[-]~~ **of sports or physical fitness or a program for the**  
42 **arts,** the court may order any or all of the following, in the  
43 following order of priority if practicable:

1 (1) The parent or guardian of the child, to the extent of his financial  
2 ability, to pay the costs associated with the participation of the child in the  
3 program, including, but not limited to, a reasonable sum of money to pay  
4 for the cost of policies of insurance against liability for personal injury and  
5 damage to property during those periods in which the child participates in  
6 the program;

7 (2) The child to work on projects or perform public service pursuant  
8 to paragraph (i) for a period that reflects the costs associated with the  
9 participation of the child in the program; or

10 (3) The county in which the petition alleging the child to be  
11 delinquent or in need of supervision is filed to pay the costs associated with  
12 the participation of the child in the program.

13 2. If the court finds that a child who is less than 17 years of age has  
14 committed a delinquent act, the court may order the parent or guardian of  
15 the child to pay any fines and penalties imposed for the delinquent act. If  
16 the parent or guardian is unable to pay the fines and penalties imposed  
17 because of financial hardship, the court may require the parent or guardian  
18 to perform community service.

19 3. In determining the appropriate disposition of a case concerning a  
20 child found to be within the purview of this chapter, the court shall consider  
21 whether the act committed by the child involved the use of a firearm or the  
22 use or threatened use of force or violence against the victim of the act and  
23 whether the child is a serious or chronic offender. If the court finds that the  
24 act committed by the child involved the use of a firearm or the use or  
25 threatened use of force or violence against the victim or that the child is a  
26 serious or chronic offender, the court shall include the finding in its order  
27 and may, in addition to the options set forth in subsections 1 and 2 of this  
28 section and NRS 62.213:

29 (a) Commit the child for confinement in a secure facility, including a  
30 facility which is secured by its staff.

31 (b) Impose any other punitive measures the court determines to be in the  
32 best interests of the public or the child.

33 4. Except as otherwise provided in NRS 62.455 and 62.570, at any  
34 time, either on its own volition or for good cause shown, the court may  
35 terminate its jurisdiction concerning the child.

36 5. Whenever the court commits a child to any institution or agency  
37 pursuant to this section or NRS 62.213, it shall transmit a summary of its  
38 information concerning the child and order the administrator of the school  
39 that the child last attended to transmit a copy of the child's educational  
40 records to the institution or agency. The institution or agency shall give to  
41 the court any information concerning the child that the court may require.

1     6. In determining whether to place a child pursuant to this section in  
2 the custody of a person other than his parent, guardian or custodian,  
3 preference must be given to any person related within the third degree of  
4 consanguinity to the child whom the court finds suitable and able to  
5 provide proper care and guidance for the child.  
6     **Sec. 2.** The provisions of subsection 1 of NRS 354.599 do not apply to  
7 any additional expenses of a local government that are related to the  
8 provisions of this act.  
9     **Sec. 3.** The amendatory provisions of this act do not apply to offenses  
10 that are committed before October 1, 1999.

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