

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

FEBRUARY 3, 1999

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.

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
17 another state, 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
42 safety shall 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

12 service.

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

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

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

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

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

1 participate in ~~[such]~~ a program ~~[,]~~ ***of sports or physical fitness or a***
2 ***program for the arts***, the court may order any or all of the following, in the
3 following order of priority if practicable:

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

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

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

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

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

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

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

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

39 5. Whenever the court commits a child to any institution or agency
40 pursuant to this section or NRS 62.213, it shall transmit a summary of its
41 information concerning the child and order the administrator of the school

1 that the child last attended to transmit a copy of the child's educational
2 records to the institution or agency. The institution or agency shall give to
3 the court any information concerning the child that the court may require.
4 6. In determining whether to place a child pursuant to this section in
5 the custody of a person other than his parent, guardian or custodian,
6 preference must be given to any person related within the third degree of
7 consanguinity to the child whom the court finds suitable and able to
8 provide proper care and guidance for the child.
9 **Sec. 2.** The amendatory provisions of this act do not apply to offenses
10 that are committed before October 1, 1999.

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