

ASSEMBLY BILL NO. 174—ASSEMBLYMAN NOLAN

FEBRUARY 15, 2001

Referred to Committee on Judiciary

SUMMARY—Establishes program of visitation to office of county coroner and authorizes juvenile court to order child adjudicated delinquent to participate in program of visitation. (BDR 5-103)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 juvenile courts; establishing a program of visitation to the office of the county coroner; authorizing a juvenile court to order a child who is adjudicated delinquent to participate in a program of visitation; making appropriations; 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 a county whose population is 100,000 or more, the court shall***
4 ***establish a program of visitation to the office of the county coroner in***
5 ***cooperation with the coroner of the county pursuant to this section. A***
6 ***court in a county whose population is less than 100,000 may establish a***
7 ***program of visitation to the office of the county coroner in cooperation***
8 ***with the coroner of the county pursuant to this section.***

9 ***2. In addition to any other action authorized pursuant to the***
10 ***provisions of this chapter, the court may order a child who is less than 18***
11 ***years of age and found to be within the purview of this chapter to***
12 ***complete a program of visitation to the office of the county coroner***
13 ***pursuant to this section.***

14 ***3. Before a child may participate in a program of visitation, the***
15 ***parent, guardian or custodian of the child must provide to the court on a***
16 ***form provided by the court:***

17 ***(a) Written consent for the child to participate in the program of***
18 ***visitation; and***



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1 *(b) An executed release of liability for any act or omission, not*
2 *amounting to gross negligence or willful misconduct of the court, the*
3 *county coroner, or any other person administering or conducting a*
4 *program of visitation, that causes personal injury or illness of the child*
5 *during the period in which the child participates in the program of*
6 *visitation.*

7 *4. A program of visitation must include, without limitation:*

8 *(a) A visit to the office of the county coroner at times and under*
9 *circumstances determined by the county coroner.*

10 *(b) A course to instruct the child concerning:*

11 *(1) The consequences of his actions; and*

12 *(2) An awareness of his own mortality.*

13 *(c) An opportunity for each participant in a program of visitation to*
14 *evaluate each component of the program.*

15 *5. The court may order the child, or the parent or guardian of the*
16 *child to pay a fee of not more than \$35 for the costs associated with the*
17 *participation of the child in the program of visitation.*

18 **Sec. 2.** NRS 62.211 is hereby amended to read as follows:

19 62.211 1. Except as otherwise provided in this chapter, if the court
20 finds that a child is within the purview of this chapter, it shall so decree and
21 may:

22 (a) Place the child under supervision in his own home or in the custody
23 of a suitable person elsewhere, upon such conditions as the court may
24 determine. A program of supervision in the home may include electronic
25 surveillance of the child. The legislature declares that a program of
26 supervision that includes electronic surveillance is intended as an
27 alternative to commitment and not as an alternative to probation, informal
28 supervision or a supervision and consent decree.

29 (b) Commit the child to the custody of a public or private institution or
30 agency authorized to care for children, or place him in a home with a
31 family. In committing a child to a private institution or agency the court
32 shall select one that is required to be licensed by the department of human
33 resources to care for such children, or, if the institution or agency is in
34 another state, by the analogous department of that state. The court shall not
35 commit a female child to a private institution without prior approval of the
36 superintendent of the Caliente youth center, and shall not commit a male
37 child to a private institution without prior approval of the superintendent of
38 the Nevada youth training center.

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

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

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

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

48 (2) Any brother, sister or other person who is living in the same
49 household as the child over whom the court has jurisdiction,



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1 to attend or participate in counseling, with or without the child, including,
2 but not limited to, counseling regarding parenting skills, alcohol or
3 substance abuse, or techniques of dispute resolution.

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

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

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

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

17 (2) After the date he becomes eligible to apply for a driver's license,
18 if the child is not eligible to receive a license on the date of the order.

19 If the court issues an order suspending the driver's license of a child
20 pursuant to this paragraph, the judge shall require the child to surrender to
21 the court all driver's licenses then held by the child. The court shall, within
22 5 days after issuing the order, forward to the department of motor vehicles
23 and public safety the licenses, together with a copy of the order. If,
24 pursuant to this paragraph, the court issues an order delaying the ability of
25 a child to receive a driver's license, the court shall, within 5 days after
26 issuing the order, forward to the department of motor vehicles and public
27 safety a copy of the order. The department of motor vehicles and public
28 safety shall report a suspension pursuant to this paragraph to an insurance
29 company or its agent inquiring about the child's driving record, but such a
30 suspension must not be considered for the purpose of rating or
31 underwriting. The department of motor vehicles and public safety shall not
32 require the child to submit to the tests and other requirements which are
33 adopted by regulation pursuant to subsection 1 of NRS 483.495 as a
34 condition of reinstatement or reissuance after a suspension of his license
35 pursuant to this paragraph, unless the suspension resulted from his poor
36 performance as a driver.

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

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

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

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

42 The person under whose supervision the child is placed shall keep the child
43 busy and well supervised and shall make such reports to the court as it may
44 require. As a condition of such a placement, the court may require the child
45 or his parent or guardian to deposit with the court a reasonable sum of
46 money to pay for the cost of policies of insurance against liability for
47 personal injury and damage to property or for industrial insurance, or both,
48 during those periods in which he performs the work, unless, in the case of



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1 industrial insurance, it is provided by the organization or agency for which
2 he performs the work.

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

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

11 (l) Impose a fine on the child. If a fine is imposed, the court shall
12 impose an administrative assessment pursuant to NRS 62.2175.

13 (m) If the child has not previously been found to be within the purview
14 of this chapter and if the act for which the child is found to be within the
15 purview of this chapter did not involve the use or threatened use of force or
16 violence, order the child to participate in a publicly or privately operated
17 program of sports or physical fitness that is adequately supervised or a
18 publicly or privately operated program for the arts that is adequately
19 supervised. A program for the arts may include, but is not limited to,
20 drawing, painting, photography or other visual arts, musical, dance or
21 theatrical performance, writing or any other structured activity that
22 involves creative or artistic expression. If the court orders the child to
23 participate in a program of sports or physical fitness or a program for the
24 arts, the court may order any or all of the following, in the following order
25 of priority if practicable:

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

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

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

38 *(n) Order a child to participate in a program of visitation to the office*
39 *of the county coroner pursuant to section 1 of this act.*

40 2. If the court finds that a child who is less than 17 years of age has
41 committed a delinquent act, the court may order the parent or guardian of
42 the child to pay any fines and penalties imposed for the delinquent act. If
43 the parent or guardian is unable to pay the fines and penalties imposed
44 because of financial hardship, the court may require the parent or guardian
45 to perform community service.

46 3. In determining the appropriate disposition of a case concerning a
47 child found to be within the purview of this chapter, the court shall
48 consider whether the act committed by the child involved the use of a
49 firearm or the use or threatened use of force or violence against the victim



1 of the act and whether the child is a serious or chronic offender. If the court
2 finds that the act committed by the child involved the use of a firearm or
3 the use or threatened use of force or violence against the victim or that the
4 child is a serious or chronic offender, the court shall include the finding in
5 its order and may, in addition to the options set forth in subsections 1 and 2
6 of this section and NRS 62.213:

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

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

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

14 5. Whenever the court commits a child to any institution or agency
15 pursuant to this section or NRS 62.213, it shall transmit a summary of its
16 information concerning the child and order the administrator of the school
17 that the child last attended to transmit a copy of the child's educational
18 records to the institution or agency. The institution or agency shall give to
19 the court any information concerning the child that the court may require.

20 6. In determining whether to place a child pursuant to this section in
21 the custody of a person other than his parent, guardian or custodian,
22 preference must be given to any person related within the third degree of
23 consanguinity to the child whom the court finds suitable and able to
24 provide proper care and guidance for the child.

25 **Sec. 3.** 1. There is hereby appropriated from the state general fund
26 to Clark County the sum of \$10,000 for the cost of carrying out a program
27 of visitation pursuant to section 1 of this act and for the payment of
28 overtime incurred by the staff of the office of the county coroner for
29 administering a program of visitation pursuant to section 1 of this act.

30 2. There is hereby appropriated from the state general fund to Washoe
31 County the sum of \$10,000 for the cost of carrying out a program of
32 visitation pursuant to section 1 of this act and for the payment of overtime
33 incurred by the staff of the office of the county coroner for administering a
34 program of visitation pursuant to section 1 of this act.

35 3. Any remaining balance of the appropriations made by subsections 1
36 and 2 must not be committed for expenditure after June 30, 2003, and
37 reverts to the state general fund as soon as all payments of money
38 committed have been made.

39 **Sec. 4.** 1. This section and section 3 of this act become effective on
40 July 1, 2001.

41 2. Section 1 of this act becomes effective on July 1, 2001, for the
42 purposes of establishing programs of visitation and on October 1, 2001, for
43 all other purposes.

44 3. Section 2 of this act becomes effective on October 1, 2001.

