

ASSEMBLY BILL NO. 308—ASSEMBLYMEN TIFFANY, CEGAVSKE, ARBERRY,  
BEERS, BERMAN, BROWER, BROWN, BUCKLEY, CARPENTER,  
CHOWNING, CLABORN, COLLINS, FREEMAN, GIBBONS, HETTRICK,  
KOIVISTO, LEE, LESLIE, MANENDO, MARVEL, MORTENSON,  
NEIGHBORS, PARKS, PARNELL, SMITH AND VON TOBEL

MARCH 8, 2001

JOINT SPONSOR: SENATOR WIENER

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning waiver by juveniles of right to counsel.  
(BDR 5-464)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to juveniles; revising the provisions concerning the waiver by juveniles of  
their right to counsel; 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 62.085 is hereby amended to read as follows:  
2     62.085 1. If a child is alleged to be delinquent or in need of  
3     supervision, the child and his parents, guardian or custodian must be  
4     advised by the court or its representative that the child is entitled to be  
5     represented by an attorney at all stages of the proceedings . ~~†, unless~~  
6     ~~waived.†~~ If indigent, the parent, guardian or custodian of the child may  
7     request the appointment of an attorney to represent the child pursuant to the  
8     provisions in NRS 171.188. If not indigent and:  
9     (a) An attorney is not retained for the child; or  
10    (b) It does not appear that an attorney will be retained,  
11    an attorney must be appointed for the child . ~~†, unless waived.†~~  
12    2. Except as otherwise provided in NRS 424.085, if an attorney is  
13    appointed to represent a child:  
14    (a) The parents of that child shall pay the reasonable fees and expenses  
15    of the attorney unless they are indigent; or



\* A B 3 0 8 R 2 \*

- 1 (b) If the parents of the child are indigent, the court may require the  
2 parent or guardian of the child to reimburse the county or state in  
3 accordance with his ability to pay.
- 4 3. The parent, guardian or custodian may be represented by an attorney  
5 at all stages of the proceedings. In no case may an attorney be appointed  
6 for him unless the court makes written findings that such an appointment is  
7 required in the interest of justice and specifying the reasons thereof.
- 8 4. Each attorney, other than a public defender, appointed under the  
9 provisions of this section is entitled to the same compensation and  
10 expenses from the county as provided in NRS 7.125 and 7.135 for  
11 attorneys appointed to represent persons charged with crimes.
- 12 *5. Notwithstanding the provisions of this section, if a child is alleged*  
13 *to be delinquent or in need of supervision and if:*
- 14 *(a) A petition is not filed and the child is placed under informal*  
15 *supervision pursuant to NRS 62.129, the child may waive the right to be*  
16 *represented by an attorney.*
- 17 *(b) A petition is filed, the child may waive the right to be represented*  
18 *by an attorney if the record of the court shows that the waiver of the right*  
19 *to be represented by an attorney is made knowingly, intelligently,*  
20 *voluntarily and in accordance with any applicable standards established*  
21 *by the court.*

