

EXEMPT

**(REPRINTED WITH ADOPTED AMENDMENTS)**  
**FIRST REPRINT** **S.B. 230**

---

SENATE BILL No. 230—COMMITTEE ON JUDICIARY

(ON BEHALF OF INTERIM STUDY OF SYSTEM OF  
JUVENILE JUSTICE IN NEVADA (ACR 13))

FEBRUARY 22, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to juveniles. (BDR 16-575)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 10, 12)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

---

AN ACT relating to juvenile justice; revising the provisions relating to the confinement of juveniles in certain facilities; revising the provisions pertaining to juveniles who violate probation or parole; 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 210 of NRS is hereby amended by adding thereto  
2     the provisions set forth as sections 2 to 8, inclusive, of this act.  
3     **Sec. 2.** *As used in this chapter, unless the context otherwise*  
4     *requires, the words and terms defined in sections 3 to 8, inclusive, of this*  
5     *act have the meanings ascribed to them in those sections.*  
6     **Sec. 3.** *“Administrator” means the administrator of the division of*  
7     *child and family services of the department of human resources.*  
8     **Sec. 4.** *“Committing court” means a juvenile court that commits a*  
9     *person to the Nevada youth training center pursuant to NRS 210.180 or*  
10    *to the Caliente youth center pursuant to NRS 210.580.*  
11    **Sec. 5.** *“Director” means the director of the department of human*  
12    *resources.*  
13    **Sec. 6.** *“Juvenile court” or “court” means:*  
14    1. *In any judicial district that includes a county whose population is*  
15    *100,000 or more, the family division of the district court; or*  
16    2. *In any other judicial district, the juvenile division of the district*  
17    *court.*



\* S B 2 3 0 R 1 \*

1     **Sec. 7. “Local or regional facility for children” includes, without**  
2 **limitation:**

3         1. *A detention home for children that is operated pursuant to NRS*  
4 *62.180.*

5         2. *A regional facility for children that is operated pursuant to NRS*  
6 *62.840 or 62.845.*

7     **Sec. 8. “Youth parole bureau” means the youth parole bureau of the**  
8 **division of child and family services of the department of human**  
9 **resources.**

10    **Sec. 9.** NRS 210.010 is hereby amended to read as follows:

11         210.010 As used in NRS 210.010 to 210.290, inclusive ~~†~~:

12         ~~1. “Administrator” means the administrator of the division of child and~~  
13 ~~family services in the department of human resources.~~

14         ~~2. “Director” means the director of the department of human resources.~~

15         ~~3. “Juvenile court” means:~~

16         ~~—(a) In any judicial district that includes a county whose population is~~  
17 ~~100,000 or more, the family division of the district court; or~~

18         ~~—(b) In any other judicial district, the juvenile division of the district~~  
19 ~~court.~~

20         ~~4.~~, **unless the context otherwise requires:**

21         1. “School” means the Nevada youth training center.

22         ~~5.~~ 2. “Superintendent” means the superintendent of the school.

23         ~~6. “Youth parole bureau” means the youth parole bureau of the~~  
24 ~~division of child and family services in the department of human~~  
25 ~~resources.~~

26    **Sec. 10.** NRS 210.250 is hereby amended to read as follows:

27         210.250 1. ~~††~~ **If a person is paroled from the school, the** chief of  
28 the youth parole bureau may petition the committing court requesting that  
29 **the court suspend, modify or revoke** the parole of ~~†~~ **a person paroled from**  
30 ~~the school be suspended, modified or revoked.~~ **the parolee or sanction the**  
31 **parolee for violating his parole.**

32         2. Pending a hearing, the committing court may order:

33             (a) The return of the parolee to the school; or

34             (b) ~~††~~ **The confinement of the parolee in:**

35                 **(1) The local or regional facility for children, if the confinement is**  
36 approved by the local ~~†~~ **juvenile facility, that the parolee be held in the local**  
37 ~~juvenile facility.~~

38                 ~~3. The~~ **or regional facility for children; or**

39                 **(2) The county jail, if the parolee will be 18 years of age or older**  
40 **when the confinement begins and if the parolee will be separated by sight**  
41 **and sound from any adults who are confined or detained therein.**

42         3. **If the parolee is confined in the local or regional facility for**  
43 **children pursuant to subsection 2, the** youth parole bureau shall pay all  
44 actual and reasonably necessary costs for the confinement of ~~†~~ **a parolee in**  
45 ~~the local juvenile facility.~~ **the parolee for the period that the parolee is**  
46 **confined pending a hearing.**

47         4. If requested, the committing court shall allow the parolee reasonable  
48 time to prepare for the hearing.



\* S B 2 3 0 R 1 \*

5. The required hearing may be conducted by a judge or master of the committing court, who shall render a decision within 10 days after the conclusion of the hearing.

6. *If the committing court finds that the parolee violated his parole, the court may do any or all of the following:*

(a) *Suspend, modify or revoke parole.*

(b) *Order the confinement of the parolee, for not more than 30 days, in:*

(1) *The local or regional facility for children, if the confinement is approved by the local or regional facility for children; or*

(2) *The county jail, if the parolee will be 18 years of age or older when the confinement begins and if the parolee will be separated by sight and sound from any adults who are confined or detained therein.*

(c) *Take any other appropriate action.*

**Sec. 11.** NRS 210.400 is hereby amended to read as follows:

210.400 As used in NRS 210.400 to 210.715, inclusive ~~1.~~

~~1. "Administrator" means the administrator of the division of child and family services in the department of human resources.~~

~~2. "Director" means the director of the department of human resources.~~

~~3. "Juvenile court" means:~~

~~(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or~~

~~(b) In any other judicial district, the juvenile division of the district court.~~

~~4., unless the context otherwise requires:~~

1. "School" means the Caliente youth center.

~~5.~~ 2. "Superintendent" means the superintendent of the school.

~~6. "Youth parole bureau" means the youth parole bureau of the division of child and family services in the department of human resources.~~

**Sec. 12.** NRS 210.680 is hereby amended to read as follows:

210.680 1. ~~The~~ *If a person is paroled from the school, the* chief of the youth parole bureau may petition the committing court requesting that *the court suspend, modify or revoke* the parole of ~~a person paroled from the school be suspended, modified or revoked.~~ *the parolee or sanction the parolee for violating his parole.*

2. Pending a hearing, the committing court may order:

(a) The return of the parolee to the school; or

(b) ~~the~~ *The confinement of the parolee in:*

(1) *The local or regional facility for children, if the confinement is approved by the local* ~~juvenile facility, that the parolee be held in the local juvenile facility.~~

~~3. The~~ *or regional facility for children; or*

(2) *The county jail, if the parolee will be 18 years of age or older when the confinement begins and if the parolee will be separated by sight and sound from any adults who are confined or detained therein.*

3. *If the parolee is confined in the local or regional facility for children pursuant to subsection 2, the* youth parole bureau shall pay all actual and reasonably necessary costs for the confinement of ~~a parolee in~~



~~the local juvenile facility.~~ *the parolee for the period that the parolee is confined pending a hearing.*

4. If requested, the committing court shall allow the parolee reasonable time to prepare for the hearing.

5. The required hearing may be conducted by a judge or master of the committing court, who shall render a decision within 10 days after the conclusion of the hearing.

*6. If the committing court finds that the parolee violated his parole, the court may do any or all of the following:*

*(a) Suspend, modify or revoke parole.*

*(b) Order the confinement of the parolee, for not more than 30 days, in:*

*(1) The local or regional facility for children, if the confinement is approved by the local or regional facility for children; or*

*(2) The county jail, if the parolee will be 18 years of age or older when the confinement begins and if the parolee will be separated by sight and sound from any adults who are confined or detained therein.*

*(c) Take any other appropriate action.*

**Sec. 13.** NRS 210.735 is hereby amended to read as follows:

210.735 The chief of the youth parole bureau may:

1. Appoint such employees as are necessary to carry out the functions of the bureau.

2. With the approval of the administrator, ~~of the division of child and family services in the department of human resources,~~ enter into contracts with colleges, universities and other organizations for:

(a) Research in the field of delinquency and crime prevention.

(b) Training special workers, including parole officers and social workers, whether volunteers or not, or whether they are on a part-time or full-time basis, engaged in the fields of education, recreation, mental hygiene and the treatment and prevention of delinquency.

**Sec. 14.** NRS 210.750 is hereby amended to read as follows:

210.750 1. Each person who is paroled from the Nevada youth training center or the Caliente youth center must be placed in a reputable home and in either an educational or work program or both. The chief of the youth parole bureau may pay the expenses incurred in providing alternative placements for residential programs and for structured nonresidential programs from money appropriated to the bureau for that purpose.

2. The chief may accept money of parolees for safekeeping pending their discharges from parole. The chief must deposit the money in accounts in banks, credit unions or savings and loan associations that are federally insured or insured by a private insurer approved pursuant to NRS 678.755. He shall keep or cause to be kept a fair and full account of the money, and shall submit such reports concerning the accounts to the administrator, ~~of the division of child and family services of the department of human resources~~ as the administrator may require.

3. When any person so paroled has proven his ability to make an acceptable adjustment outside the center or, in the opinion of the chief, is no longer amenable to treatment as a juvenile, the chief shall apply to the



\* S B 2 3 0 R 1 \*

1 committing court for a dismissal of all proceedings and accusations  
2 pending against the person.

3 4. Before the chief recommends that the committing court revoke a  
4 person's parole, he shall ascertain from the superintendent of the  
5 appropriate center whether adequate facilities remain available at the center  
6 to provide the necessary care for the person. If the superintendent advises  
7 that there are not such facilities available, that there is not enough money  
8 available for support of the person at the center or that the person is not  
9 suitable for admission to the center, the chief shall report that fact to the  
10 administrator, ~~of the division of child and family services,~~ who shall  
11 recommend a suitable alternative to the court.

12 **Sec. 15.** NRS 62.170 is hereby amended to read as follows:

13 62.170 1. Except as otherwise provided in NRS 62.172 and 62.175, a  
14 peace officer or probation officer may take into custody any child:

15 (a) Who the officer has probable cause to believe is violating or has  
16 violated any law, ordinance or rule or regulation having the force of law; or

17 (b) Whose conduct indicates that he is a child in need of supervision.

18 2. Except as otherwise provided in this section and NRS 62.172 and  
19 484.383, if a child is taken into custody:

20 (a) The officer shall, without undue delay, attempt to notify, if known,  
21 the parent, guardian or custodian of the child;

22 (b) The facility in which the child is detained shall, without undue  
23 delay:

24 (1) Notify a probation officer; and

25 (2) Attempt to notify, if known, the parent, guardian or custodian of  
26 the child if such notification was not accomplished pursuant to paragraph  
27 (a); and

28 (c) Unless it is impracticable or inadvisable or has been otherwise  
29 ordered by the court, the child must be released to the custody of his parent  
30 or other responsible adult who has signed a written agreement to bring the  
31 child to the court at a stated time or at such time as the court may direct.  
32 The written agreement must be submitted to the court as soon as possible.  
33 If this person fails to produce the child as agreed or upon notice from the  
34 court, a writ may be issued for the attachment of the person or of the child  
35 requiring that the person or child, or both of them, be brought into the court  
36 at a time stated in the writ.

37 3. Except as otherwise provided in this section and NRS 62.172, if a  
38 child who is taken into custody is not released pursuant to subsection 2:

39 (a) The child must be taken without unnecessary delay to:

40 (1) The court; or

41 (2) The place of detention designated by the court and, as soon as  
42 possible thereafter, the fact of detention must be reported to the court; and

43 (b) Pending further disposition of the case, the court may order that the  
44 child be:

45 (1) Released to the custody of the parent or other person appointed by  
46 the court;

47 (2) Detained in such place as is designated by the court, subject to  
48 further order of the court; or



\* S B 2 3 0 R 1 \*

- 1 (3) Conditionally released for supervised detention at the home of the  
2 child in lieu of detention at a facility for the detention of juveniles.
- 3 4. A child who is taken into custody for committing a battery that  
4 constitutes domestic violence pursuant to NRS 33.018 must not be released  
5 from custody sooner than 12 hours after he is taken into custody.
- 6 5. Except as otherwise provided in subsection 4 and NRS 62.172, if a  
7 child is alleged to be delinquent or in need of supervision, the child must  
8 not, before disposition of the case, be detained in a facility for the secure  
9 detention of juveniles unless there is probable cause to believe that:
- 10 (a) If the child is not detained, he is likely to commit an offense  
11 dangerous to himself or to the community, or likely to commit damage to  
12 property;
- 13 (b) The child will run away or be taken away so as to be unavailable for  
14 proceedings of the court or to its officers;
- 15 (c) The child was brought to the probation officer pursuant to a court  
16 order or warrant; or
- 17 (d) The child is a fugitive from another jurisdiction.
- 18 6. If a child is not alleged to be delinquent or in need of supervision,  
19 the child must not, at any time, be confined or detained in:
- 20 (a) A facility for the secure detention of juveniles; or
- 21 (b) Any police station, lockup, jail, prison or other facility in which  
22 adults are detained or confined.
- 23 7. If a child is less than 18 years of age, the child must not, at any time,  
24 be confined or detained in any police station, lockup, jail, prison or other  
25 facility where the child has regular contact with any adult who is confined  
26 or detained therein and who has been convicted of a crime or charged with  
27 a crime, unless:
- 28 (a) The child is alleged to be delinquent;
- 29 (b) An alternative facility is not available; and
- 30 (c) The child is separated by sight and sound from any adults who are  
31 confined or detained therein.
- 32 8. *If a child is 18 years of age or older, the child may be confined or*  
33 *detained in any police station, lockup, jail, prison or other facility in*  
34 *which adults are detained or confined if the child is separated by sight*  
35 *and sound from any adults who are confined or detained therein.*
- 36 9. If a child who is alleged to be delinquent is taken into custody and  
37 detained, the child must be given a detention hearing, conducted by the  
38 judge or master:
- 39 (a) Within 24 hours after the child submits a written application;
- 40 (b) In a county whose population is less than 100,000, within 24 hours  
41 after the commencement of detention at a police station, lockup, jail, prison  
42 or other facility in which adults are detained or confined;
- 43 (c) In a county whose population is 100,000 or more, within 6 hours  
44 after the commencement of detention at a police station, lockup, jail, prison  
45 or other facility in which adults are detained or confined; or
- 46 (d) Within 72 hours after the commencement of detention at a facility in  
47 which adults are not detained or confined,



1 whichever occurs first, excluding Saturdays, Sundays and holidays. A child  
2 must not be released after a detention hearing without the written consent  
3 of the judge or master.

4 ~~19-1~~ 10. If the parent, guardian or custodian of the child appears with  
5 or on behalf of the child at a detention hearing, the judge or master shall  
6 provide to him a certificate of attendance which he may provide to his  
7 employer. The certificate of attendance must set forth the date and time of  
8 appearance and the provisions of NRS 62.900. The certificate of attendance  
9 must not set forth the name of the child or the offense alleged.

10 ~~110-1~~ 11. Except as otherwise provided in subsection ~~111-1~~ 12, if a  
11 child who is alleged to be in need of supervision is taken into custody and  
12 detained, the child must be released within 24 hours, excluding Saturdays,  
13 Sundays and holidays, after his initial contact with a peace officer to his  
14 parent, guardian or custodian, to any other person who is able to provide  
15 adequate care and supervision, or to shelter care, unless the court holds a  
16 detention hearing and determines the child:

17 (a) Has threatened to run away from home or from the shelter;  
18 (b) Is accused of violent behavior at home; or  
19 (c) Is accused of violating the terms of his supervision and consent  
20 decree.

21 If the court makes such a determination, the child may be detained for an  
22 additional 24 hours after the hearing, excluding Saturdays, Sundays and  
23 holidays, if needed by the court to make an alternative placement. Such an  
24 alternative placement must be in a facility in which there are no physically  
25 restraining devices or barriers. A child must not be detained pursuant to  
26 this subsection for a total period in excess of 48 hours, excluding  
27 Saturdays, Sundays and holidays.

28 ~~111-1~~ 12. If a child who is alleged to be in need of supervision is taken  
29 into custody and detained, the child need not be released pursuant to  
30 subsection ~~110-1~~ 11, if the court holds a detention hearing and determines  
31 the child:

32 (a) Is a ward of a federal court or held pursuant to federal statute;  
33 (b) Has run away from another state and a jurisdiction within the state  
34 has issued a want, warrant or request for the child; or  
35 (c) Is accused of violating a valid court order.

36 If the court makes such a determination, the child may be detained for such  
37 an additional period as necessary for the court to return the child to the  
38 jurisdiction from which he originated or to make an alternative placement.  
39 Such an alternative placement must be in a facility in which there are no  
40 physically restraining devices or barriers.

41 ~~112-1~~ 13. During the pendency of a criminal or quasi-criminal charge  
42 of a crime excluded from the original jurisdiction of the juvenile court  
43 pursuant to NRS 62.040, a child may petition the juvenile court for  
44 temporary placement in a facility for the detention of juveniles.

45 ~~113-1~~ 14. In determining whether to release a child pursuant to this  
46 section to a person other than his parent, guardian or custodian, preference  
47 must be given to any person related within the third degree of  
48 consanguinity to the child who is suitable and able to provide proper care  
49 and guidance for the child.



\* S B 2 3 0 R 1 \*



1     **Sec. 16.** NRS 62.172 is hereby amended to read as follows:

2     62.172 1. If a peace officer or probation officer has probable cause to  
3 believe that a child is committing or has committed an offense that  
4 involves the possession, use or threatened use of a firearm, the officer shall  
5 take the child into custody.

6     2. If a child is taken into custody for an offense described in subsection  
7 1, the child must not be released before a detention hearing is held pursuant  
8 to subsection ~~18~~ 9 of NRS 62.170.

9     3. At a detention hearing held pursuant to subsection ~~18~~ 9 of NRS  
10 62.170 concerning a child who was taken into custody for an offense  
11 described in subsection 1, the judge or master shall determine whether to  
12 order the child to be evaluated by a qualified professional. If the judge or  
13 master orders a child to be evaluated by a qualified professional, the  
14 evaluation must be completed within 14 days after the detention hearing.  
15 Until the evaluation is completed, the child must be:

16     (a) Detained at a facility for the detention of juveniles; or

17     (b) Placed under a program of supervision in his home that may include  
18 electronic surveillance of the child.

19     4. If a child is evaluated by a qualified professional pursuant to  
20 subsection 3, the statements made by the child to the qualified professional  
21 during the evaluation and any evidence directly or indirectly derived from  
22 those statements may not be used for any purpose in a proceeding which is  
23 conducted to prove that the child committed a delinquent act or criminal  
24 offense. The provisions of this subsection do not prohibit the district  
25 attorney from proving that the child committed a delinquent act or criminal  
26 offense based upon evidence obtained from sources or by means that are  
27 independent of the statements made by the child to the qualified  
28 professional during the evaluation conducted pursuant to subsection 3.

29     5. As used in this section:

30     (a) "Firearm" has the meaning ascribed to it in subsection 1 of NRS  
31 202.253.

32     (b) "Qualified professional" means:

33         (1) A psychiatrist licensed to practice medicine in this state and  
34 certified by the American Board of Psychiatry and Neurology, Inc.;

35         (2) A psychologist licensed to practice in this state;

36         (3) A social worker holding a master's degree in social work and  
37 licensed in this state as a clinical social worker;

38         (4) A registered nurse holding a master's degree in the field of  
39 psychiatric nursing and licensed to practice professional nursing in this  
40 state; or

41         (5) A marriage and family therapist licensed in this state pursuant to  
42 chapter 641A of NRS.

43     **Sec. 17.** NRS 62.271 is hereby amended to read as follows:

44     62.271 ~~Whenever the court has taken jurisdiction over a person~~  
45 ~~pursuant to the provisions of this chapter, it may order any person:~~

46 ~~1. Under the age of 18 years who has been adjudicated to be~~  
47 ~~delinquent and placed on probation by the court to be placed in a] If a~~  
48 ~~child who has been adjudicated delinquent and placed on probation~~





- 1 *violates a condition of probation, for the violation of probation, the court*  
2 *may order that the child be confined in:*  
3 1. A facility for the detention of juveniles for not more than 30 days .  
4 ~~{for the violation of probation-~~  
5 ~~— 2. Eighteen}~~  
6 2. *The county jail, if the child is 18* years of age or older and ~~under~~  
7 ~~the age of 21 years who has been placed on probation by the court to be~~  
8 ~~placed either in the county jail or the state prison for the violation of~~  
9 ~~probation.~~ *if the child is separated by sight and sound from any adults*  
10 *confined therein.*  
11 **Sec. 18.** NRS 210.730 is hereby repealed.  
12 **Sec. 19.** The provisions of subsection 1 of NRS 354.599 do not apply  
13 to any additional expenses of a local government that are related to the  
14 provisions of this act.  
15 **Sec. 20.** This act becomes effective on July 1, 2001.

---

---

TEXT OF REPEALED SECTION

---

---

**NRS 210.730 “Youth parole bureau” defined.** As used in NRS 210.735 to 210.755, inclusive, “youth parole bureau” means the youth parole bureau of the division of child and family services in the department of human resources.

