

SENATE BILL NO. 232—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—Requires certain state and local agencies to assess whether children of racial or ethnic minorities are disproportionately taken into custody, detained or referred to the system of juvenile justice. (BDR 5-573)

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

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 justice; requiring certain state and local agencies to assess whether children of racial or ethnic minorities are disproportionately taken into custody, detained or referred to the system of juvenile justice; requiring the division of child and family services of the department of human resources to develop certain standards and procedures for conducting assessments and to prepare certain reports; 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 accordance with the standards and procedures developed by the***
4 ***division pursuant to this section, the agencies of juvenile justice within***
5 ***each judicial district shall, on an annual basis:***
6 ***(a) Assess jointly whether children of racial or ethnic minorities are***
7 ***disproportionately taken into custody, detained or referred to the system***
8 ***of juvenile justice within the judicial district; and***
9 ***(b) Submit to the division the results of the assessment and any plans***
10 ***that the agencies of juvenile justice have developed to revise or eliminate***
11 ***any policies, practices or procedures that may result in children of racial***
12 ***or ethnic minorities being disproportionately taken into custody, detained***
13 ***or referred to the system of juvenile justice within the judicial district.***



- 1 2. *The division shall:*
- 2 (a) *To the extent practicable, develop uniform standards and*
- 3 *procedures that must be used by agencies of juvenile justice to conduct*
- 4 *the assessment pursuant to this section and to submit the results of the*
- 5 *assessment to the division.*
- 6 (b) *Develop plans and make recommendations to agencies of juvenile*
- 7 *justice on how to revise or eliminate any policies, practices or procedures*
- 8 *that may result in children of racial or ethnic minorities being*
- 9 *disproportionately taken into custody, detained or referred to the system*
- 10 *of juvenile justice.*
- 11 (c) *Prepare an annual report concerning the custody, detention,*
- 12 *adjudication and disposition of children of racial or ethnic minorities*
- 13 *within the system of juvenile justice. The report must include, without*
- 14 *limitation:*
- 15 (1) *A compilation and statistical analysis of the assessments*
- 16 *conducted within each judicial district pursuant to this section; and*
- 17 (2) *Any plans or recommendations from the division and agencies*
- 18 *of juvenile justice on how to revise or eliminate any policies, practices or*
- 19 *procedures that may result in children of racial or ethnic minorities*
- 20 *being disproportionately taken into custody, detained or referred to the*
- 21 *system of juvenile justice.*
- 22 (d) *Submit a copy of the annual report prepared pursuant to this*
- 23 *subsection to:*
- 24 (1) *The governor and the attorney general;*
- 25 (2) *The director of the legislative counsel bureau;*
- 26 (3) *The juvenile court within each judicial district; and*
- 27 (4) *The district attorney of each county.*
- 28 3. *Any information that is collected or maintained pursuant to this*
- 29 *section must not include the name or address of:*
- 30 (a) *Any child who is taken into custody, detained or referred to the*
- 31 *system of juvenile justice; or*
- 32 (b) *Any other person whose name or address is confidential or*
- 33 *otherwise protected from disclosure pursuant to a specific statute.*
- 34 4. *As used in this section:*
- 35 (a) *"Agency of juvenile justice" means:*
- 36 (1) *Each juvenile court;*
- 37 (2) *Each juvenile probation department, department of juvenile*
- 38 *services and department of family, youth and juvenile services;*
- 39 (3) *Each office of the district attorney;*
- 40 (4) *Each local law enforcement agency whose peace officers are*
- 41 *empowered to detain or cite a child pursuant to this chapter;*
- 42 (5) *Each state law enforcement agency whose peace officers are*
- 43 *empowered to detain or cite a child pursuant to this chapter; and*
- 44 (6) *Any other agency or instrumentality of state or local*
- 45 *government that is responsible for the supervision or care of children*
- 46 *who are taken into custody, detained or referred to the system of juvenile*
- 47 *justice, if the division designates the agency or instrumentality to*
- 48 *participate in the process of conducting assessments, developing plans or*
- 49 *making recommendations pursuant to this section.*



1 *(b) "Division" means the division of child and family services of the*
2 *department of human resources.*

3 **Sec. 2.** NRS 62.360 is hereby amended to read as follows:

4 62.360 1. The court shall make and keep records of all cases brought
5 before it.

6 2. The records may be opened to inspection only by order of the court
7 to persons having a legitimate interest therein except that a release without
8 a court order may be made of any:

9 (a) Records of traffic violations which are being forwarded to the
10 department of motor vehicles and public safety;

11 (b) Records which have not been sealed and which are required by the
12 division of parole and probation of the department of motor vehicles and
13 public safety for preparation of presentence investigations and reports
14 pursuant to NRS 176.135 or general investigations and reports pursuant to
15 NRS 176.151;

16 (c) Information maintained in the standardized system established
17 pursuant to NRS 62.910;

18 (d) Records which have not been sealed and which are to be used,
19 pursuant to chapter 179D of NRS, by:

20 (1) The central repository for Nevada records of criminal history;

21 (2) The division of parole and probation of the department of motor
22 vehicles and public safety; or

23 (3) A person who is conducting an assessment of the risk of
24 recidivism of an adult or juvenile sex offender; ~~and~~

25 (e) Information that must be collected by the division of child and
26 family services of the department of human resources pursuant to NRS
27 62.920 ~~+~~; and

28 *(f) Information that must be collected by an agency of juvenile justice*
29 *or the division of child and family services of the department of human*
30 *resources pursuant to section 1 of this act.*

31 3. The clerk of the court shall prepare and cause to be printed forms
32 for social and legal records and other papers as may be required.

33 4. Whenever the conduct of a child with respect to whom the
34 jurisdiction of the juvenile court has been invoked may be the basis of a
35 civil action, any party to the civil action may petition the court for release
36 of the child's name, and upon satisfactory showing to the court that the
37 purpose in obtaining the information is for use in a civil action brought or
38 to be brought in good faith, the court shall order the release of the child's
39 name and authorize its use in the civil action.

40 **Sec. 3.** NRS 62.370 is hereby amended to read as follows:

41 62.370 1. Except as otherwise provided in NRS 62.345 and 62.600,
42 if a child is taken into custody by a peace officer, is taken before a
43 probation officer, or appears before a judge or master of a juvenile court,
44 district court, justice's court or municipal court, the child or a probation
45 officer on his behalf may petition for the sealing of all records relating to
46 the child, including records of arrest, but not including records relating to
47 misdemeanor traffic violations, in the custody of the juvenile court, district
48 court, justice's court or municipal court, probation officer, law enforcement
49 agency, or any other agency or public official, if:



1 (a) Three years or more have elapsed after termination of the
2 jurisdiction of the juvenile court; or

3 (b) Three years or more have elapsed since the child was last referred to
4 the juvenile court and the child has never been declared a ward of the
5 court.

6 2. The court shall notify the district attorney of the county and the
7 probation officer, if he is not the petitioner. The district attorney, probation
8 officer, any of their deputies or any other persons having relevant evidence
9 may testify at the hearing on the petition.

10 3. If, after the hearing, the court finds that, since such termination of
11 jurisdiction, the child has not been convicted of a felony or of any
12 misdemeanor involving moral turpitude and that rehabilitation has been
13 attained to the satisfaction of the court, it shall order all records, papers and
14 exhibits in the juvenile's case in the custody of the juvenile court, district
15 court, justice's court, municipal court, probation officer, law enforcement
16 agency or any other agency or public official sealed. Other records relating
17 to the case, in the custody of such other agencies and officials as are named
18 in the order, must also be ordered sealed.

19 4. Except as otherwise provided in NRS 62.345 and 62.600, all records
20 relating to a child must be automatically sealed when the child reaches 24
21 years of age.

22 5. The court shall send a copy of the order sealing the records of a
23 child to each agency and official named therein. Each agency and official
24 shall, within 5 days after receipt of the order:

25 (a) Seal records in its custody, as directed by the order.

26 (b) Advise the court of its compliance.

27 (c) Seal the copy of the court's order that it or he received.

28 6. If the court orders the records sealed, all proceedings recounted in
29 the records are deemed never to have occurred, and the person who is the
30 subject of the records may properly reply accordingly to any inquiry
31 concerning the proceedings and the events which brought about the
32 proceedings.

33 7. The person who is the subject of records sealed pursuant to this
34 section may petition the court to permit inspection of the records by a
35 person named in the petition and the court may order the inspection.

36 8. The court may, upon the application of a district attorney or an
37 attorney representing a defendant in a criminal action, order an inspection
38 of the records for the purpose of obtaining information relating to persons
39 who were involved in the incident recorded.

40 9. The court may, upon its own motion and for the purpose of
41 sentencing a convicted adult who is under 21 years of age, inspect any
42 records of that person which are sealed pursuant to this section.

43 10. An agency charged with the medical or psychiatric care of a person
44 may petition the court to unseal his juvenile records.

45 11. The provisions of this section do not apply to information
46 ~~maintained~~ that is:

47 (a) *Maintained* in the standardized system established pursuant to NRS
48 62.910 ~~for information that must be collected~~ ;



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1 ***(b) Collected*** by the division of child and family services of the
2 department of human resources pursuant to NRS 62.920 ~~1~~; *or*
3 ***(c) Collected by an agency of juvenile justice or the division of child***
4 ***and family services of the department of human resources pursuant to***
5 ***section 1 of this act.***
6 12. As used in this section, “seal” means placing the records in a
7 separate file or other repository not accessible to the general public.
8 **Sec. 4.** The provisions of subsection 1 of NRS 354.599 do not apply
9 to any additional expenses of a local government that are related to the
10 provisions of this act.

