

SENATE BILL NO. 262—COMMITTEE ON LEGISLATIVE
AFFAIRS AND OPERATIONS

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

FEBRUARY 28, 2001

Referred to Committee on Judiciary

SUMMARY—Creates legislative committee on juvenile justice. (BDR 17-572)

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

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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; creating a legislative committee on juvenile justice; providing the powers and duties of the committee; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, “committee” means the legislative committee on juvenile justice.*

Sec. 3. 1. *The legislative committee on juvenile justice is hereby created.*

2. *The committee consists of eight legislative members who must be appointed as follows:*

(a) The majority leader of the senate shall appoint one member from the senate who served as a member of the senate standing committee on judiciary during the immediately preceding session of the legislature and three other members from the senate. Of the four members appointed to the committee pursuant to this paragraph, at least one member must be a member of the minority political party in the senate.

(b) The speaker of the assembly shall appoint one member from the assembly who served as a member of the assembly standing committee on judiciary during the immediately preceding session of the legislature and three other members from the assembly. Of the four members appointed



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- 1 to the committee pursuant to this paragraph, at least one member must
2 be a member of the minority political party in the assembly.
- 3 3. After the initial appointment of the members of the committee, the
4 legislative commission shall select the chairman and vice chairman of
5 the committee from among the members of the committee. After the
6 initial selection of those officers, each of those officers holds the position
7 for a term of 2 years commencing on July 1 of each odd-numbered year.
8 The chairmanship of the committee must alternate each biennium
9 between the houses of the legislature. If a vacancy occurs in the
10 chairmanship or vice chairmanship, the vacancy must be filled in the
11 same manner as the original selection for the remainder of the unexpired
12 term.
- 13 4. A member of the committee who is not a candidate for reelection
14 or who is defeated for reelection continues to serve until the convening of
15 the next regular session of the legislature.
- 16 5. A vacancy on the committee must be filled in the same manner as
17 the original appointment.
- 18 **Sec. 4.** 1. The members of the committee shall meet throughout the
19 year at the times and places specified by a call of the chairman or a
20 majority of the committee.
- 21 2. Five members of the committee constitute a quorum, and a
22 quorum may exercise all the power and authority conferred on the
23 committee.
- 24 3. The director of the legislative counsel bureau or his designee shall
25 act as the nonvoting recording secretary of the committee.
- 26 4. Except during a regular or special session of the legislature, for
27 each day or portion of a day during which a member of the committee
28 attends a meeting of the committee or is otherwise engaged in the work of
29 the committee, he is entitled to receive the:
- 30 (a) Compensation provided for a majority of the members of the
31 legislature during the first 60 days of the preceding regular session;
- 32 (b) Per diem allowance provided for state officers and employees
33 generally; and
- 34 (c) Travel expenses provided pursuant to NRS 218.2207.
- 35 5. The compensation, per diem allowances and travel expenses of the
36 members of the committee must be paid from the legislative fund.
- 37 **Sec. 5.** 1. The committee shall research, investigate, evaluate,
38 review and comment upon issues related to juvenile justice within this
39 state. Those issues may include, without limitation:
- 40 (a) The use of restorative justice, graduated sanctions, community-
41 based programs and other programs as an alternative to the detention or
42 commitment of certain juveniles.
- 43 (b) The exercise of concurrent or alternating jurisdiction over certain
44 juveniles by the juvenile court and by the criminal division of the district
45 court, or the exercise of criminal jurisdiction over certain juveniles by
46 the juvenile court.
- 47 (c) The use of blended sentencing and other concepts that involve the
48 imposition of both juvenile sanctions and adult sentences for certain
49 juveniles.



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- 1 *(d) The standards and procedures used by the juvenile court to certify*
- 2 *certain juveniles for criminal proceedings as an adult.*
- 3 *(e) The need for and the operation of detention and correctional*
- 4 *facilities at the state, regional and local level.*
- 5 *(f) The structure, funding and integration of the system of juvenile*
- 6 *justice at the state, regional and local level.*
- 7 *(g) Consideration of whether children of racial and ethnic minorities*
- 8 *are disproportionately taken into custody, detained or referred to the*
- 9 *system of juvenile justice within this state.*
- 10 *(h) Any matter which affects juvenile justice within this state and*
- 11 *which relates to:*
 - 12 *(1) Gang involvement.*
 - 13 *(2) Substance abuse, mental health or aftercare.*
 - 14 *(3) Gender-specific treatment or care.*
 - 15 *(4) Truancy or school violence.*
 - 16 *(5) Education for juveniles who are suspended or expelled from*
 - 17 *school.*
 - 18 *(6) Education for juveniles who are placed in detention or*
 - 19 *correctional facilities at the state, regional and local level.*
 - 20 *(7) The collection, distribution and use of information and data.*
- 21 *(i) Any other matter that, in the determination of the committee,*
- 22 *affects juvenile justice within this state.*
- 23 *2. In carrying out its functions and duties, the committee may:*
 - 24 *(a) Conduct investigations and hold hearings.*
 - 25 *(b) Request that the legislative counsel bureau assist in any research,*
 - 26 *investigation, evaluation, hearing or review conducted by the committee.*
 - 27 *(c) Make recommendations concerning the manner in which the*
 - 28 *system of juvenile justice is administered within this state and provide*
 - 29 *those recommendations to governing bodies, agencies, officers,*
 - 30 *employees and instrumentalities of federal, state or local government and*
 - 31 *to any other person who is concerned with juvenile justice within this*
 - 32 *state.*
 - 33 *(d) Recommend to the legislature any appropriate legislation*
 - 34 *concerning juvenile justice or any matter that affects juvenile justice*
 - 35 *within this state.*
- 36 **Sec. 6. 1. If the committee conducts investigations or holds**
- 37 **hearings in carrying out its functions and duties:**
 - 38 *(a) The secretary of the committee or, in his absence, a member*
 - 39 *designated by the committee may administer oaths.*
 - 40 *(b) The secretary or chairman of the committee may cause the*
 - 41 *deposition of witnesses, residing either within or outside of this state, to*
 - 42 *be taken in the manner prescribed by rule of court for taking depositions*
 - 43 *in civil actions in the district courts.*
 - 44 *(c) The chairman of the committee may issue subpoenas to compel the*
 - 45 *attendance of witnesses and the production of books and papers.*
- 46 **2. If a witness refuses to attend or testify or produce books or papers**
- 47 **as required by the subpoena, the chairman of the committee may report**
- 48 **to the district court by a petition which sets forth that:**



1 (a) Due notice has been given of the time and place of attendance of
2 the witness or the production of the books or papers;
3 (b) The witness has been subpoenaed by the committee pursuant to
4 this section; and
5 (c) The witness has failed or refused to attend or produce the books or
6 papers required by the subpoena before the committee that is named in
7 the subpoena, or has refused to answer questions propounded
8 to him.
9 The petition may request an order of the court compelling the witness to
10 attend and testify or produce the books and papers before the committee.
11 3. Upon such a petition, the court shall enter an order directing the
12 witness to appear before the court at a time and place to be fixed by the
13 court in its order, the time to be not more than 10 days after the date of
14 the order, and to show cause why he has not attended or testified or
15 produced the books or papers before the committee. A certified copy of
16 the order must be served upon the witness.
17 4. If it appears to the court that the subpoena was regularly issued by
18 the committee, the court shall enter an order that the witness appear
19 before the committee at the time and place fixed in the order and testify
20 or produce the required books or papers. Failure to obey the order
21 constitutes contempt of court.
22 **Sec. 7.** Each witness who appears before the committee by its order,
23 except a state officer or employee, is entitled to receive for his attendance
24 the fees and mileage provided for witnesses in civil cases in the courts of
25 record of this state. The fees and mileage must be audited and paid upon
26 the presentation of proper claims sworn to by the witness and approved
27 by the secretary and chairman of the committee.
28 **Sec. 8.** This act becomes effective on July 1, 2001, and expires by
29 limitation on July 1, 2005.

