

SENATE BILL NO. 37—SENATOR WIENER

PREFILED JANUARY 24, 2001

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Referred to Committee on Judiciary

SUMMARY—Revises provision requiring filing of annual report regarding children placed under informal supervision. (BDR 5-112)

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

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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 children; revising the provision requiring the filing of an annual report regarding children placed under informal supervision; 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.** NRS 62.129 is hereby amended to read as follows:

62.129 1. A child alleged to be delinquent or in need of supervision may be placed under the informal supervision of a probation officer if the child voluntarily admits his participation in the acts for which he was referred to the probation officer. If any of the acts would constitute a gross misdemeanor or felony if committed by an adult, the child may not be placed under informal supervision unless the district attorney approves of the placement in writing. The probation officer must advise the child and his parent, guardian or custodian that they may refuse informal supervision.

2. An agreement for informal supervision must be entered into voluntarily and intelligently by the child with the advice of his attorney, or by the child with the consent of a parent, guardian or custodian if the child is not represented by counsel. The period of informal supervision must not exceed 180 days. The terms of the agreement must be clearly stated in writing and signed by all parties. A copy of the agreement must be given to the child, the attorney for the child, if any, the child's parent, guardian or custodian, and the probation officer, who shall retain a copy in his file for the case. The child and his parent, guardian or custodian may terminate the agreement at any time and request the filing of a petition for formal adjudication.

3. An agreement for informal supervision may require a child to:

1 (a) Perform public service or provide restitution to any victim of the  
2 acts for which the child was referred to the probation officer;

3 (b) Participate in a program of restitution through work that is  
4 established pursuant to NRS 62.2185 if the child:

5 (1) Is 14 years of age or older;

6 (2) Has never been found to be within the purview of this chapter for  
7 an unlawful act that involved the use or threatened use of force or violence  
8 against a victim and has never been found to have committed such an  
9 unlawful act in any other jurisdiction;

10 (3) Is required to provide restitution to a victim; and

11 (4) Voluntarily agrees to participate in the program of restitution  
12 through work;

13 (c) Complete a program of cognitive training and human development  
14 pursuant to NRS 62.2195 if:

15 (1) The child has never been found to be within the purview of this  
16 chapter; and

17 (2) The unlawful act for which the child is found to be within the  
18 purview of this chapter did not involve the use or threatened use of force or  
19 violence against a victim; or

20 (d) Engage in any combination of the activities set forth in paragraphs  
21 (a), (b) and (c).

22 4. If an agreement for informal supervision requires a child to  
23 participate in a program of restitution through work as set forth in  
24 paragraph (b) of subsection 3 or complete a program of cognitive training  
25 and human development as set forth in paragraph (c) of subsection 3, the  
26 agreement may also require any or all of the following, in the following  
27 order of priority if practicable:

28 (a) The child or the parent or guardian of the child, to the extent of his  
29 financial ability, to pay the costs associated with the participation of the  
30 child in the program, including, without limitation, a reasonable sum of  
31 money to pay for the cost of policies of insurance against liability for  
32 personal injury and damage to property during those periods in which the  
33 child participates in the program or performs work, and in the case of a  
34 program of restitution through work, for industrial insurance, unless the  
35 industrial insurance is provided by the employer for which the child  
36 performs the work; or

37 (b) The child to work on projects or perform public service pursuant to  
38 paragraph (i) of subsection 1 of NRS 62.211 for a period that reflects the  
39 costs associated with the participation of the child in the program.

40 5. If a child is placed under informal supervision, a petition based upon  
41 the events out of which the original complaint arose may be filed only  
42 within 180 days after entry into the agreement for informal supervision. If  
43 a petition is filed within that period, the child may withdraw the admis sion  
44 he made pursuant to subsection 1. The child's compliance with all proper  
45 and reasonable terms of the agreement constitute grounds for the court to  
46 dismiss the petition.

47 6. ~~[A]~~ *Upon the request of the court, a* probation officer shall file  
48 ~~[annually]~~ with the court a report of the number of children placed under  
49 informal supervision during the previous year, the conditions imposed in

1 each case and the number of cases that were successfully completed  
2 without the filing of a petition.

3 **Sec. 2.** This act becomes effective on July 1, 2001.

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