

SENATE BILL NO. 7—SENATOR WIENER

PREFILED JANUARY 11, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning certain programs for children. (BDR 5-84)

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; authorizing a director of juvenile services to create and administer a fund to finance a program of restitution through work; limiting the amount that may be deducted from the wages of a child in a program of restitution through work; authorizing a director of juvenile services to create and administer a fund to finance a program of cognitive training and human development; 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 62 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *To finance a program of restitution through work established pursuant to NRS 62.2185, a director of juvenile services may establish, with the county treasurer as custodian, a special fund to be known as the restitution through work fund.*

2. All grants, gifts, donations, bequests and devises of money that a director of juvenile services is authorized to accept pursuant to NRS 62.2185 must be deposited with the county treasurer for credit to the fund.

3. The fund must be a separate and continuing fund, and no money in the fund reverts to the general fund of the county at any time. The interest earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.

4. Expenditures from the fund must be used only for carrying out the provisions of NRS 62.2185 and expended, to the extent permitted by law, in accordance with the terms of the grant, gift, donation, bequest or

1 *devise. No expenditure from the fund may be made until authorized by*
2 *the director of juvenile services.*

3 **Sec. 3.** 1. *To finance a program of cognitive training and human*
4 *development established pursuant to NRS 62.2195, a director of juvenile*
5 *services may establish, with the county treasurer as custodian, a special*
6 *fund to be known as the cognitive training and human development*
7 *fund.*

8 2. *All grants, gifts, donations, bequests and devises of money that a*
9 *director of juvenile services is authorized to accept pursuant to NRS*
10 *62.2195 must be deposited with the county treasurer for credit to the*
11 *fund.*

12 3. *The fund must be a separate and continuing fund, and no money*
13 *in the fund reverts to the general fund of the county at any time. The*
14 *interest earned on the money in the fund, after deducting any applicable*
15 *charges, must be credited to the fund.*

16 4. *Expenditures from the fund must be used only for carrying out the*
17 *provisions of NRS 62.2195 and expended, to the extent permitted by law,*
18 *in accordance with the terms of the grant, gift, donation, bequest or*
19 *devise. No expenditure from the fund may be made until authorized by*
20 *the director of juvenile services.*

21 **Sec. 4.** NRS 62.020 is hereby amended to read as follows:

22 62.020 As used in this chapter, unless the context otherwise requires:

23 1. Except as otherwise provided in this subsection, "child" means a
24 person who is:

25 (a) Less than 18 years of age; or

26 (b) Less than 21 years of age and subject to the jurisdiction of the
27 juvenile court for an act of delinquency that was committed before the
28 person reached 18 years of age.

29 The term does not include a person who is excluded from the jurisdiction
30 of the juvenile court pursuant to NRS 62.040 or a person who is certified
31 for criminal proceedings as an adult pursuant to NRS 62.080 or 62.081.

32 2. "Court" means the juvenile division of the district court.

33 3. **"Director of juvenile services" means:**

34 (a) *In a judicial district that does not include a county whose*
35 *population is 100,000 or more, the chief probation officer who is*
36 *designated pursuant to NRS 62.110;*

37 (b) *In a judicial district that includes a county whose population is*
38 *100,000 or more but less than 400,000, the director of juvenile services*
39 *who is appointed pursuant to NRS 62.1225; or*

40 (c) *In a judicial district that includes a county whose population is*
41 *400,000 or more:*

42 (1) *The director of juvenile services who is appointed pursuant to*
43 *NRS 62.123; or*

44 (2) *The director of the department of family, youth and juvenile*
45 *services, if such a department has been established in the judicial district*
46 *pursuant to NRS 62.126 to 62.127, inclusive.*

47 4. "Indian child" has the meaning ascribed to it in 25 U.S.C. § 1903.

48 ~~[4.]~~ 5. "Indian Child Welfare Act" means the Indian Child Welfare
49 Act of 1978, 25 U.S.C. §§ 1901 et seq.

~~[5-]~~ 6. "Judge" means the judge of the juvenile division of the district court.

~~[6-]~~ 7. "Juvenile court" or "juvenile division" 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.

~~[7-]~~ 8. "Minor traffic offense" means a violation of any state or local law, ordinance or resolution governing the operation of a motor vehicle upon any street, alley or highway within this state other than:

(a) A violation of chapter 484 or 706 of NRS that causes the death of a person;

(b) A violation of NRS 484.379; or

(c) Any traffic offense declared to be a felony.

Sec. 5. NRS 62.2185 is hereby amended to read as follows:

62.2185 1. In addition to the options set forth in NRS 62.211 and 62.213, the court may order a child who is found to be within the purview of this chapter to participate in a program of restitution through work that is established pursuant to this section if the child:

(a) Is 14 years of age or older;

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

(c) Is ordered to provide restitution to a victim; and

(d) Voluntarily agrees to participate in the program of restitution through work.

2. If the court orders a child to participate in a program of restitution through work, the court may order any or all of the following, in the following order of priority if practicable:

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

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

3. A director of juvenile services may establish a program of restitution through work. A program of restitution through work must:

(a) Include, without limitation, instruction in skills for employment and work ethics; and

(b) Require a child who participates in the program to:

(1) With the assistance of the program and if practicable, seek and obtain a position of employment with a public or private employer; and

(2) Sign an authorization form that permits money to be deducted from the wages of the child to pay restitution. The director of juvenile services may prescribe the contents of the authorization form and may determine the amount of money to be deducted from the wages of the child to pay restitution ~~(H)~~, *but the director shall not require that more than 50 percent of the wages of the child be deducted to pay restitution.*

4. A program of restitution through work may include, without limitation, cooperative agreements with public or private employers to make available positions of employment for a child who participates in the program.

5. A director of juvenile services may terminate participation by a child in a program of restitution through work for any lawful reason or purpose.

6. A director of juvenile services may:

(a) Apply for , ~~and~~ accept *and expend* grants , ~~for~~ gifts , *donations, bequests or devises* to finance a program of restitution through work ~~(H)~~ *in the manner provided in section 2 of this act;* and

(b) Contract with persons and public or private entities that are qualified to operate or to participate in a program of restitution through work.

7. *A director of juvenile services may designate a person to carry out the provisions of this section.*

8. The provisions of this section do not:

(a) Create a right on behalf of a child to participate in a program of restitution through work or to hold a position of employment; or

(b) Establish a basis for any cause of action against the state or its officers or employees for denial of the ability to participate in or for removal from a program of restitution through work or for denial of or removal from a position of employment.

~~[8. As used in this section, "director of juvenile services" means:~~

~~—(a) In a judicial district that does not include a county whose population is 100,000 or more, the chief probation officer who is designated pursuant to NRS 62.110;~~

~~—(b) In a judicial district that includes a county whose population is 100,000 or more but less than 400,000, the director of juvenile services who is appointed pursuant to NRS 62.1225;~~

~~—(c) In a judicial district that includes a county whose population is 400,000 or more;~~

~~—(1) The director of juvenile services who is appointed pursuant to NRS 62.123; or~~

~~—(2) The director of the department of family, youth and juvenile services, if such a department has been established in the judicial district pursuant to NRS 62.126 to 62.127, inclusive; or~~

~~—(d) Any other person who is designated by a person listed in paragraph (a), (b) or (c) to carry out the provisions of this section.]~~

Sec. 6. NRS 62.2195 is hereby amended to read as follows:

62.2195 1. In addition to any other action authorized pursuant to the provisions of this chapter, the court may order a child who is found to be within the purview of this chapter to complete a program of cognitive training and human development pursuant to this section if:

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

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

2. If the court orders a child to complete a program of cognitive training and human development, the court may order any or all of the following, in the following order of priority if practicable:

(a) The child or the parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, without limitation, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

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

(c) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.

3. A program of cognitive training and human development must include, without limitation, education, instruction or guidance in one or more of the following subjects, as deemed appropriate by the court:

(a) Motivation.

(b) Habits, attitudes and conditioning.

(c) Self-conditioning processes.

(d) Developing a successful way of life.

(e) The process of solving problems.

(f) Emotions and emotional blocks.

(g) Assurances and demonstrative maturity.

(h) Family success.

(i) Family relationships.

(j) Interfamilial understanding and communications.

(k) Financial stability.

(l) Effective communications.

(m) Conflict resolution.

(n) Anger management.

(o) Obtaining and retaining employment.

4. A director of juvenile services may:

(a) Apply for , ~~and~~ accept *and expend* grants , ~~for~~ gifts , *donations, bequests or devises* to finance a program of cognitive training and human development ~~in~~ *in the manner provided in section 3 of this act*; and

(b) Contract with persons and public or private entities that are qualified to operate or to participate in a program of cognitive training and human development.

5. ~~[As used in this section, "director of juvenile services" means:~~

~~—(a) In a judicial district that does not include a county whose population is 100,000 or more, the chief probation officer who is designated pursuant to NRS 62.110;~~

1 ~~—(b) In a judicial district that includes a county whose population is~~
2 ~~100,000 or more but less than 400,000, the director of juvenile services~~
3 ~~who is appointed pursuant to NRS 62.1225;~~

4 ~~—(c) In a judicial district that includes a county whose population is~~
5 ~~400,000 or more;~~

6 ~~—(1) The director of juvenile services who is appointed pursuant to~~
7 ~~NRS 62.123; or~~

8 ~~—(2) The director of the department of family, youth and juvenile~~
9 ~~services, if such a department has been established in the judicial district~~
10 ~~pursuant to NRS 62.126 to 62.127, inclusive; or~~

11 ~~—(d) Any other person who is designated by a person listed in paragraph~~
12 ~~(a), (b) or (c) to carry out the provisions of this section.]~~ *A director of*
13 *juvenile services may designate a person to carry out the provisions of*
14 *this section.*

15 **Sec. 7.** This act becomes effective upon passage and approval.

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