

ASSEMBLY BILL NO. 329—ASSEMBLYMAN PERKINS

MARCH 21, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juvenile justice.
(BDR 5-66)

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 juvenile justice; providing for the establishment of youthful offender facilities to which certain juvenile delinquents and young offenders may be committed; authorizing the juvenile court to commit certain delinquent children to certain facilities for a determinate period; authorizing the juvenile court to commit a child to any appropriate facility during the pendency of proceedings involving a criminal offense excluded from the original jurisdiction of the juvenile court; establishing specific factors which the juvenile court must consider in determining the facility in which to place such a child; 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.** NRS 62C.030 is hereby amended to read as
2 follows:
3 62C.030 1. If a child is not alleged to be delinquent or in
4 need of supervision, the child must not, at any time, be confined or
5 detained in:
6 (a) A facility for the secure detention of children; or
7 (b) Any police station, lockup, jail, prison or other facility in
8 which adults are detained or confined.
9 2. If a child is alleged to be delinquent or in need of
10 supervision, the child must not, before disposition of the case, be



1 detained in a facility for the secure detention of children unless there
2 is probable cause to believe that:

3 (a) If the child is not detained, the child is likely to commit an
4 offense dangerous to himself or to the community, or likely to
5 commit damage to property;

6 (b) The child will run away or be taken away so as to be
7 unavailable for proceedings of the juvenile court or to its officers;

8 (c) The child was taken into custody and brought before a
9 probation officer pursuant to a court order or warrant; or

10 (d) The child is a fugitive from another jurisdiction.

11 3. If a child is less than 18 years of age, the child must not, at
12 any time, be confined or detained in any police station, lockup, jail,
13 prison or other facility where the child has regular contact with any
14 adult who is confined or detained in the facility and who has been
15 convicted of a criminal offense or charged with a criminal offense,
16 unless:

17 (a) The child is alleged to be delinquent;

18 (b) An alternative facility is not available; and

19 (c) The child is separated by sight and sound from any adults
20 who are confined or detained in the facility.

21 4. During the pendency of a proceeding involving a criminal
22 offense excluded from the original jurisdiction of the juvenile court
23 pursuant to NRS 62B.330, a child may petition the juvenile court for
24 temporary placement in a facility for the detention of children. *The*
25 *juvenile court may place such a child in any facility which the*
26 *juvenile court deems appropriate, including, without limitation, a*
27 *jail or facility for the detention of children. In determining the*
28 *appropriate facility in which to place the child, the juvenile court*
29 *must consider:*

30 (a) *The age, physical characteristics, emotional state and*
31 *intellectual functioning of the child;*

32 (b) *The safety of the personnel of the facility and of other*
33 *persons who have been placed in the facility; and*

34 (c) *Any recommendations of the Superintendent or other*
35 *administrator of the facility.*

36 **Sec. 2.** Chapter 62E of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 *1. The Director of the Department of Corrections may*
39 *designate a youthful offender facility to which a person who is less*
40 *than 21 years of age may be committed by the juvenile court or by*
41 *the Department of Corrections.*

42 *2. The juvenile court may commit a child to a youthful*
43 *offender facility for a period of not less than 1 year and not more*
44 *than 3 years if the child is at least 16 years of age at the time of*



1 *commitment and the child has been adjudicated delinquent for*
2 *committing an act:*

3 *(a) That is based on facts which could have caused the child to*
4 *be excluded from the jurisdiction of the juvenile court pursuant to*
5 *NRS 62B.330, but for which the child was not excluded or for*
6 *which he is no longer excluded; or*

7 *(b) That would constitute a category A or B felony if*
8 *committed by an adult.*

9 **Sec. 3.** NRS 62E.500 is hereby amended to read as follows:

10 62E.500 1. The provisions of NRS 62E.500 to 62E.730,
11 inclusive ~~4~~, *and section 2 of this act:*

12 (a) Apply to the disposition of a case involving a child who is
13 adjudicated delinquent.

14 (b) Except as otherwise provided in NRS 62E.700, do not apply
15 to the disposition of a case involving a child who is found to have
16 committed a minor traffic offense.

17 2. If a child is adjudicated delinquent:

18 (a) The juvenile court may issue any orders or take any actions
19 set forth in NRS 62E.500 to 62E.730, inclusive, *and section 2 of*
20 *this act* that the juvenile court deems proper for the disposition of
21 the case; and

22 (b) If required by a specific statute, the juvenile court shall issue
23 the appropriate orders or take the appropriate actions set forth in the
24 statute.

25 **Sec. 4.** NRS 62E.520 is hereby amended to read as follows:

26 62E.520 1. The juvenile court may commit a delinquent child
27 to the custody of the Division of Child and Family Services for
28 suitable placement if:

29 (a) The child is at least 8 years of age but less than 12 years of
30 age, and the juvenile court finds that the child is in need of
31 placement in a correctional or institutional facility; or

32 (b) The child is at least 12 years of age but less than 18 years of
33 age, and the juvenile court finds that the child:

34 (1) Is in need of placement in a correctional or institutional
35 facility; and

36 (2) Is in need of residential psychiatric services or other
37 residential services for his mental health.

38 2. *The juvenile court may commit a child to the custody of the*
39 *Division of Child and Family Services for placement in a*
40 *correctional or institutional facility for a determinate period not to*
41 *exceed 3 years if the child is less than 16 years of age at the time*
42 *of commitment and the child has been adjudicated delinquent for*
43 *committing an act:*

44 *(a) That is based on facts which could have caused the child to*
45 *be excluded from the jurisdiction of the juvenile court pursuant to*



1 *NRS 62B.330, but for which the child was not excluded or for*
2 *which he is no longer excluded; or*

3 *(b) That would constitute a category A or B felony if*
4 *committed by an adult.*

5 **3.** Before the juvenile court commits a delinquent child to the
6 custody of the Division of Child and Family Services, the juvenile
7 court shall:

8 (a) Notify the Division at least 3 working days before the
9 juvenile court holds a hearing to consider such a commitment; and

10 (b) At the request of the Division, provide the Division with not
11 more than 10 working days within which to:

12 (1) Investigate the child and his circumstances; and

13 (2) Recommend a suitable placement to the juvenile court.

