

Amendment No. 358

Assembly Amendment to Assembly Bill No. 329

(BDR 5-66)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
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Amend the bill as a whole by deleting sections 1 through 15 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

- (a) A facility for the secure detention of children; or
- (b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

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A.B. No. 329—Revises provisions governing juvenile justice.



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

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

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

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

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

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

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

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

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

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

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

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

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

2. The juvenile court may commit a child to a youthful offender facility for a period of not less than 1 year and not more than 3 years if the child is at least 16 years of age at the time of commitment and the child has been adjudicated delinquent for committing an act:

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

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

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

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~[-]~~, *and section 2 of this act:*

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

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

2. If a child is adjudicated delinquent:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Investigate the child and his circumstances; and

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

Amend the title of the bill to read as follows:

“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.”.