

SENATE BILL NO. 76—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE INTERIM STUDY COMMITTEE ON CRIMINAL
JUSTICE SYSTEM IN RURAL NEVADA AND TRANSITIONAL
HOUSING FOR RELEASED OFFENDERS)

FEBRUARY 16, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions pertaining to evaluations of juveniles who commit certain unlawful acts involving alcohol or controlled substances. (BDR 5-186)

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 juveniles; revising the provisions pertaining to evaluations of juveniles who commit certain unlawful acts involving alcohol or controlled substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a juvenile court to order a delinquent child to be evaluated to determine whether the child is an abuser of alcohol or other drugs if the child committed certain unlawful acts involving alcohol or drugs. Pursuant to the evaluation, the juvenile court must order the child to participate in a program of treatment as recommended by the evaluator. (NRS 62E.620)

This bill removes from the mandatory evaluation a child who commits certain unlawful acts for the first time. This bill retains the mandatory evaluation of a child who unlawfully operated a motor vehicle while under the influence of alcohol or other drugs. However, this bill gives the juvenile court discretion whether to order such an evaluation for a child who unlawfully used, possessed, sold or distributed a controlled substance or who unlawfully purchased, possessed or consumed an alcoholic beverage if the child: (1) has not previously been found to have committed one of those acts; and (2) resides more than 50 miles from the nearest location at which an evaluation may be conducted.



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

Section 1. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed ~~the~~ ~~(a) An~~ **an** unlawful act in violation of NRS 484.379 or 484.3795. ~~the~~

~~(b)~~ 2. *Except as otherwise provided in this subsection, the juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:*

(a) The unlawful act of using, possessing, selling or distributing a controlled substance; or

~~(c)~~ (b) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

~~(2)~~ **↪ The juvenile court is not required to order such an evaluation if the child has not previously been found to have committed one of those acts and the child resides more than 50 miles from the nearest location at which an evaluation may be conducted.**

3. **An** evaluation of the child must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified or an alcohol and drug abuse counselor intern who is certified pursuant to chapter 641C of NRS to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

~~(3. The)~~

4. **An** evaluation of the child may be conducted at an evaluation center.

~~(4. The)~~

5. **A** person who conducts ~~the~~ **an** evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

~~(5.)~~ 6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.



(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

~~16-1~~ 7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or a law of any other jurisdiction that prohibits the same or similar conduct.

~~17-1~~ 8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Human Resources. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

~~18-1~~ 9. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.



- 1 ~~9.1~~ 10. A record of any finding that a child has violated the
- 2 provisions of NRS 484.379 or 484.3795 must be included in the
- 3 driver's record of that child for 7 years after the date of the offense.
- 4 **Sec. 2.** This act becomes effective on July 1, 2005.

