

SENATE BILL NO. 294—SENATOR AMODEI

MARCH 15, 2007

Referred to Committee on Judiciary

SUMMARY—Revises the provision concerning mandatory detention of a child who commits a battery that constitutes domestic violence. (BDR 5-958)

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; revising the provision concerning mandatory detention of a child who commits a battery that constitutes domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a child who commits a battery that constitutes domestic
2 violence must not be released from custody sooner than 12 hours after being taken
3 into custody. (NRS 62C.020) This bill provides that such a child may be released
4 from custody sooner than 12 hours after being taken into custody under certain
5 circumstances.

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

1 **Section 1.** NRS 62C.020 is hereby amended to read as
2 follows:

3 62C.020 1. A child must not be released from custody sooner
4 than 12 hours after the child is taken into custody if the child is
5 taken into custody for committing a battery that constitutes domestic
6 violence pursuant to NRS 33.018 ~~+~~, *unless the peace officer or*
7 *probation officer who has taken the child into custody determines*
8 *that the child does not otherwise meet the criteria for secure*
9 *detention and:*

10 (a) *Respite care or another out-of-home alternative to secure*
11 *detention is available for the child;*



1 ***(b) An out-of-home alternative to secure detention is not***
2 ***necessary to protect the victim from injury; or***

3 ***(c) Family services are available to maintain the child in the***
4 ***home and the parents or guardians of the child agree to receive***
5 ***those family services and to allow the child to return to the home.***

6 2. A child must not be released from custody sooner than 12
7 hours after the child is taken into custody if:

8 (a) The child is taken into custody for violating a temporary or
9 extended order for protection against domestic violence issued
10 pursuant to NRS 33.017 to 33.100, inclusive, or for violating a
11 restraining order or injunction that is in the nature of a temporary or
12 extended order for protection against domestic violence issued in an
13 action or proceeding brought pursuant to title 11 of NRS; and

14 (b) The peace officer or probation officer who has taken the
15 child into custody determines that such a violation is accompanied
16 by a direct or indirect threat of harm.

17 3. For the purposes of this section, an order or injunction is in
18 the nature of a temporary or extended order for protection against
19 domestic violence if it grants relief that might be given in a
20 temporary or extended order issued pursuant to NRS 33.017 to
21 33.100, inclusive.

22 **Sec. 2.** This act becomes effective upon passage and approval.

