

Amendment No. 58

Senate Amendment to Senate Bill No. 14 (BDR 5-76)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

BFG/BAW



Date: 4/4/2007

S.B. No. 14—Provides that a minor who possesses tobacco products or falsely represents his age to obtain tobacco products is subject to the jurisdiction of the juvenile court as a child in need of supervision. (BDR 5-76)



SENATE BILL NO. 14—SENATOR MCGINNESS (BY REQUEST)

PREFILED JANUARY 16, 2007

Referred to Committee on Judiciary

SUMMARY—~~[Provides that]~~ ***Prohibits*** a minor ~~[who possesses tobacco products or falsely represents his age to obtain tobacco products is subject to the jurisdiction of the juvenile court as a child in need of supervision.]~~ ***from committing certain acts relating to the possession and use of tobacco products.*** (BDR 5-76)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to tobacco; ~~[providing that]~~ ***prohibiting*** a minor ~~[who possesses tobacco products or falsely represents his age to obtain tobacco products is subject to the jurisdiction of the juvenile court as a child in need of supervision.]~~ ***from committing certain acts relating to the possession and use of tobacco products;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ ***Section 11 of this bill*** ~~[provides that]~~ ***prohibits*** a minor ~~[who possesses tobacco products or who falsely represents his age to obtain tobacco products is subject to the jurisdiction of the juvenile court as a child in need of supervision. Under existing law, a child who is alleged to be in need of supervision may be placed under the informal supervision of a probation officer for up to 180 days. (NRS 62C.200) For a first offense, the juvenile court must not adjudicate the child as being in need of supervision, but must instead admonish the child to obey the law, maintain a record of that admonition and refer the child for counseling, behavior modification and social adjustment. (NRS 62E.410) The juvenile court may also order the child to perform community service or to complete certain alternative programs and may suspend the driver's license of the child. (NRS 62E.180, 62E.210, 62E.250)]~~ ***from purchasing or attempting to purchase tobacco products, possessing or attempting to possess tobacco products, using tobacco products or falsely representing his age to purchase, possess or obtain tobacco products. Section 5 of this bill provides that a child may be issued a citation for violating the provisions of section 11, while section 4 of this bill provides that a probation officer may act as a master of the juvenile if the proceeding involves such a citation.***

Section 6 of this bill sets forth the punishment for a violation of section 11 of this bill, which includes a \$25 fine for a first offense, a \$50 fine for a second offense, a \$75 fine for a third offense, and a \$75 fine plus the requirement to attend a tobacco awareness and cessation program for a fourth or subsequent offense. Fines collected under section 6 must be deposited in the Account for Health Education for Minors.

Section 9 of this bill provides that if a child who is ordered to attend and complete a tobacco awareness and cessation program pursuant to section 6 of this bill successfully

completes that program, the juvenile court shall enter an order sealing all records pertaining to any offense related to tobacco that was committed by the child before the date on which the court ordered the child to attend and complete the program.

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

Section 1. ~~NRS 62B.220 is hereby amended to read as follows:~~

~~62B.220 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:~~

~~(a) Is} engages in any of the following acts:~~

~~(a) The child is subject to compulsory school attendance and is a habitual truant from school.;~~

~~(b) Habitually;~~

~~(b) The child is under the age of 18 years and possesses cigarettes, cigarette paper, tobacco of any description or products made from tobacco or falsely represents that he is 18 years of age or older to purchase or obtain cigarettes, cigarette paper, tobacco of any description or products made from tobacco. The provisions of this paragraph do not apply to a child assisting in an inspection pursuant to NRS 202.2496.~~

~~(c) The child habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable. ; or~~

~~(c) Deserts.;~~

~~(d) The child deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation.~~

~~2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.} (Deleted by amendment.)~~

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

"Offense related to tobacco" means a violation of section 11 of this act.

Sec. 3. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 4. NRS 62B.020 is hereby amended to read as follows:

62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a master of the juvenile court if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a master of the juvenile court.

2. A probation officer shall not act as a master of the juvenile court unless the proceeding concerns:

(a) A minor traffic offense; ~~to;~~

(b) An offense related to tobacco; or

(c) A child who is alleged to be a habitual truant.

3. If a person is appointed to act as a master of the juvenile court, the person shall attend instruction at the National College of Juvenile and Family Law in Reno, Nevada, in a course designed for the training of new judges of the juvenile

1 court on the first occasion when such instruction is offered after the person is
2 appointed.

3 4. If, for any reason, a master of the juvenile court is unable to act, the
4 juvenile court or the chief judge of the judicial district may appoint another
5 qualified person to act temporarily as a master of the juvenile court during the
6 period that the master who is regularly appointed is unable to act.

7 5. The compensation of a master of the juvenile court:

8 (a) May not be taxed against the parties.

9 (b) Must be paid out of appropriations made for the expenses of the district
10 court, if the compensation is fixed by the juvenile court.

11 **Sec. 5.** Chapter 62C of NRS is hereby amended by adding thereto a new
12 section to read as follows:

13 1. If a child is stopped or otherwise detained by a peace officer for an
14 offense related to tobacco, the peace officer may prepare and issue a citation in
15 the same manner in which a traffic citation is prepared and issued pursuant to
16 NRS 62C.070.

17 2. If a child who is issued a citation for an offense related to tobacco
18 executes a written promise to appear in court by signing the citation, the peace
19 officer:

20 (a) Shall deliver a copy of the citation to the child; and

21 (b) Shall not take the child into physical custody for the violation.

22 **Sec. 6.** Chapter 62E of NRS is hereby amended by adding thereto a new
23 section to read as follows:

24 1. If a child is found to have committed an offense related to tobacco, the
25 juvenile court shall:

26 (a) For the first offense, order the child to pay a fine of \$25.

27 (b) For the second offense, order the child to pay a fine of \$50.

28 (c) For the third offense, order the child to pay a fine of \$75.

29 (d) For the fourth offense or any subsequent offense, order the child:

30 (1) To pay a fine of \$75; and

31 (2) To attend and complete a tobacco awareness and cessation program.
32 The juvenile court may order the child or the parent or guardian of the child, or
33 both, to pay the reasonable cost for the child to attend the program.

34 2. In addition to the fine imposed pursuant to this section, the juvenile court
35 shall order the child to pay an administrative assessment pursuant to
36 NRS 62E.270.

37 3. If, because of financial hardship, the child is unable to pay a fine
38 imposed pursuant to this section, the juvenile court may order the child to
39 perform community service.

40 4. The money collected from any fine imposed pursuant to this section must
41 be deposited with the State Treasurer for credit to the Account for Health
42 Education for Minors created pursuant to NRS 202.24925.

43 **Sec. 7.** NRS 62E.270 is hereby amended to read as follows:

44 62E.270 1. If the juvenile court imposes a fine against:

45 (a) A delinquent child pursuant to NRS 62E.730;

46 (b) A child who has committed a minor traffic offense, except an offense
47 related to metered parking, pursuant to NRS 62E.700; ~~for~~

48 (c) A child who has committed an offense related to tobacco; or

49 (d) A child in need of supervision because the child is a habitual truant
50 pursuant to NRS 62E.430,

51 the juvenile court shall order the child or the parent or guardian of the child to
52 pay an administrative assessment of \$10 in addition to the fine.

2. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

3. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

4. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

5. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.

Sec. 8. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive, ~~4.~~ and section 6 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.

(c) Except as otherwise provided in section 6 of this act, do not apply to the disposition of a case involving a child who is found to have committed an offense related to tobacco.

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, 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. 9. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

If a child who is ordered to attend and complete a tobacco awareness and cessation program pursuant to section 6 of this act successfully completes that program, the juvenile court shall enter an order sealing all records pertaining to any offense related to tobacco that was committed by the child before the date on which the court ordered the child to attend and complete the program.

Sec. 10. NRS 62H.100 is hereby amended to read as follows:

62H.100 1. As used in NRS 62H.100 to 62H.170, inclusive, and section 9 of this act, unless the context otherwise requires, "records" means any records relating to a child who is within the purview of this title and who:

(a) Is taken into custody by a peace officer or a probation officer or is otherwise taken before a probation officer; or

(b) Appears before the juvenile court or any other court pursuant to the provisions of this title.

2. The term includes records of arrest.

Sec. 11. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a child who is under the age of 18 years shall not:

(a) Purchase or attempt to purchase tobacco products;

(b) Possess or attempt to possess tobacco products;

(c) Use tobacco products; or

1 (d) Falsely represent that he is 18 years of age or older to purchase, possess
2 or obtain tobacco products.

3 2. A child who is under the age of 18 years and who violates the provisions
4 of this section commits an offense related to tobacco and is subject to the
5 provisions of section 6 of this act.

6 3. The provisions of this section do not apply to a child who is under the age
7 of 18 years and who is:

8 (a) Assisting in an inspection pursuant to NRS 202.2496;

9 (b) Handling or transporting tobacco products in the course of his lawful
10 employment; or

11 (c) Handling or transporting tobacco products in the presence of the child's
12 parent, spouse or legal guardian who is 18 years of age or older.

13 4. As used in this section, "tobacco products" means cigarettes, cigarette
14 paper, tobacco of any description or products made from tobacco.

15 Sec. 12. NRS 202.2485 is hereby amended to read as follows:

16 202.2485 As used in NRS 202.2485 to 202.2497, inclusive, ~~§~~, and section
17 11 of this act;

18 1. "Distribute" includes furnishing, giving away or providing products made
19 from tobacco or samples thereof at no cost to promote the product, whether or not
20 in combination with a sale.

21 2. "Health authority" means the district health officer in a district, or his
22 designee, or, if none, the State Health Officer, or his designee.