

Amendment No. 167

Senate Amendment to Senate Bill No. 294	(BDR 5-958)
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.

BAW



Date: 4/11/2007

S.B. No. 294—Repeals the provision concerning mandatory detention of a child who commits certain acts pertaining to domestic violence.
(BDR 5-958)



SENATE BILL NO. 294—SENATOR AMODEI

MARCH 15, 2007

Referred to Committee on Judiciary

SUMMARY—~~Repeals~~ **Revises** the provision concerning mandatory detention of a child who commits ~~the acts of~~ **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; ~~repealing~~ **revising** the provision concerning mandatory detention of a child who commits ~~the acts of~~ **a battery that constitutes** domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a child who commits a battery that constitutes domestic violence ~~for who violates an order for protection against domestic violence~~ must not be released from custody sooner than 12 hours after being taken into custody. (NRS 62C.020) This bill ~~repeals this requirement~~ **provides that such a child may be released from custody sooner than 12 hours after being taken into custody under certain circumstances.**

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

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 NRS 62C.020 is hereby ~~repealed~~ **amended to read as follows:**

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

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

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

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

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

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

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

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

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

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TEXT OF REPEALED SECTION

~~— 62C.020 Conditions and limitations on releasing child who is detained for committing certain acts involving domestic violence.~~

~~— 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018.~~

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

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

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

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