

ASSEMBLY BILL NO. 13—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain offenses committed by juveniles. (BDR 5-470)

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 juveniles; making it discretionary rather than mandatory for a peace officer or probation officer to take a child into custody for an unlawful act involving the possession, use or threatened use of a firearm; providing for the disposition of cases involving the killing or possession of certain animals; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a peace officer or probation officer may take into custody any child who the officer has probable cause to believe is violating or has violated any state or local law, ordinance, or rule or regulation having the force of law, but if the peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm, the officer is required to take the child into custody. (NRS 62C.010, 62C.060) **Section 1** of this bill makes it discretionary rather than mandatory for a peace officer or probation officer to take a child into custody for an unlawful act involving the possession, use or threatened use of a firearm.

Existing law prohibits a person from killing or aiding and abetting another person to kill bighorn sheep, mountain goats, elk, deer, pronghorn antelopes, mountain lions or black bears except under certain circumstances. Existing law further prohibits a person from possessing such animals if the person knows or should have known that the animal was killed in violation of existing law. (NRS 501.376) **Section 2** of this bill provides for the disposition of cases in which a child has been adjudicated delinquent for an unlawful act involving the killing or possession of such animals in violation of NRS 501.376.

Section 4 of this bill makes these new provisions effective on March 1, 2012, which is the start of a new year for licenses for hunting, fishing and trapping.



* A B 1 3 R 1 *

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

Section 1. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. ~~If a peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm, the officer shall take the child into custody.~~

~~2.~~ If a child is taken into custody for an unlawful act ~~[described in this section,]~~ *that involves the possession, use or threatened use of a firearm*, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

~~3.~~ 2. At the detention hearing, the juvenile court shall, if the child was taken into custody for:

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

~~4.~~ 3. If the juvenile court orders the child to be evaluated by a qualified professional or to submit to a test to determine whether the child is using any controlled substance, the evaluation or the results from the test must be completed not later than 14 days after the detention hearing. Until the evaluation or the test is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

~~5.~~ 4. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based



1 upon evidence obtained from sources or by means that are
2 independent of the statements made by the child to the qualified
3 professional during the evaluation.

4 ~~[6-]~~ 5. As used in this section, "child care facility" has the
5 meaning ascribed to it in paragraph (a) of subsection 5 of
6 NRS 202.265.

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

9 *If a child is adjudicated delinquent for an unlawful act*
10 *involving the killing or possession of certain animals in violation*
11 *of NRS 501.376, the juvenile court may do any or all of the*
12 *following:*

13 1. *Order the child to pay a fine. If the juvenile court orders*
14 *the child to pay a fine, the juvenile court shall order the child to*
15 *pay an administrative assessment pursuant to NRS 62E.270. If,*
16 *because of financial hardship, the child is unable to pay the fine,*
17 *the juvenile court may order the child to perform community*
18 *service.*

19 2. *Order the child or the parent or guardian of the child, or*
20 *both, to pay a civil penalty pursuant to NRS 501.3855.*

21 3. *Order that any license issued to the child pursuant to*
22 *chapter 502 of NRS be revoked by the Department of Wildlife. The*
23 *juvenile court shall order the child to surrender to the court any*
24 *license issued to the child pursuant to chapter 502 of NRS then*
25 *held by the child and, not later than 5 days after issuing the order,*
26 *forward to the Department of Wildlife any license surrendered by*
27 *the child and a copy of the order.*

28 4. *Order that the child must not receive a license to hunt, fish*
29 *or trap within the 2 years immediately following the date of the*
30 *order or until the child is 18 years of age, whichever is later.*

31 5. *Order the child placed on probation and impose such*
32 *conditions as the juvenile court deems proper.*

33 **Sec. 3.** NRS 502.118 is hereby amended to read as follows:

34 502.118 Upon receipt of a copy of an order of the juvenile
35 court, entered pursuant to NRS 62E.660 ~~[]~~ *or section 2 of this act*
36 *to revoke the license of a child to hunt ~~[of a child,], fish or trap,~~ the*
37 *Department shall revoke the license. The revocation of the license*
38 *~~[to hunt]~~ shall be deemed effective as of the date of the order. The*
39 *Department shall retain the copy of the order.*

40 **Sec. 4.** This act becomes effective on March 1, 2012.

