

SENATE BILL NO. 476—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning the juvenile justice system. (BDR 5-1216)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 3, 4, 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring each county to pay an assessment to the State for the activities of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services; prohibiting a juvenile court from committing a delinquent child to a private institution; revising the manner in which a determination is made about where to commit a delinquent child; revising provisions relating to a juvenile who is held in a detention facility pending a hearing concerning a violation of parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain counties to pay an assessment for the operation of regional facilities for the detention of children that are partially supported by the State of Nevada and are operated by the county. (NRS 62B.150) **Section 6** of this bill repeals that provision. **Section 1** of this bill instead requires each county to pay an assessment for the activities of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services. The amount of the assessment is determined by the Administrator of the Division of Child and Family Services using a formula that is based upon the number of pupils enrolled in public schools in the county.

Section 2 of this bill removes the authority of a juvenile court to commit a child to a private institution under certain circumstances.



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Existing law allows a juvenile court to commit a delinquent child to the custody of the Division of Child and Family Services for suitable placement, including a child between 8 and 12 years of age in certain circumstances. (NRS 62E.520) **Section 3** of this bill removes the authority of a juvenile court to place a child who is between 8 and 12 years of age in a correctional or institutional facility. In addition, **section 3** requires the juvenile court to confirm that there is a room allocated for the child in a state facility for the detention of children and adequate resources in the state facility to provide the necessary care of the child before committing the child to a state facility. **Section 4** of this bill requires the Division to make an annual determination of the equitable allocation of rooms for each judicial district. The determination is based upon the number of pupils enrolled in public schools within the judicial district.

Existing law authorizes a juvenile court to order the return of a child who is alleged to have violated parole to a state facility for the detention of children or to be held in the local or regional facility for the detention of children pending a hearing. In addition, if the child is held in a local or regional facility, existing law requires the Youth Parole Bureau to pay the costs for the confinement of the child. (NRS 63.770) **Section 5** of this bill removes the authority of a juvenile court to order the child to be returned to a state facility for the detention of children in such circumstances and removes the requirement that the Youth Parole Bureau pay the costs of confinement of a child who is held, pending a hearing, in a local or regional facility for the detention of children.

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

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county shall pay an assessment for the activities of the Youth Parole Bureau that are necessary to carry out its duties.

2. The assessment owed by each county equals the total amount budgeted by the Legislature for the operation of the Youth Parole Bureau, divided by the total number of pupils enrolled in grades 7 through 12 in public schools in this State in the preceding school year and multiplied by the number of pupils enrolled in grades 7 through 12 in public schools in the assessed county. The Administrator of the Division of Child and Family Services shall calculate the assessment owed by each county in June of each year for the ensuing fiscal year.

3. Each county must pay the assessed amount to the Division of Child and Family Services in quarterly installments that are due the first day of the first month of each calendar quarter.

Sec. 2. NRS 62E.510 is hereby amended to read as follows:

62E.510 1. If a delinquent child is less than 12 years of age, the juvenile court shall not commit the child to a state facility for the detention of children.

2. If a delinquent child is 12 years of age or older, the juvenile court shall not commit the child to a private institution . ~~unless the~~



~~commitment is approved by the superintendent of the state facility for the detention of children to which the child would otherwise have been committed.]~~

Sec. 3. NRS 62E.520 is hereby amended to read as follows:

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for ~~[suitable]~~ placement *in a state facility for the detention of children* if ~~[-~~

~~—(a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or~~

~~—(b) The] the~~ child is at least 12 years of age but less than 18 years of age ~~[-, and the juvenile court finds that the child:~~

~~——(1) Is in need of placement in a correctional or institutional facility; and~~

~~——(2) Is in need of residential psychiatric services or other residential services for the mental health of the child.] and the court has confirmed that there is a room allocated for the child in a state facility for the detention of children and adequate resources in the facility to provide the necessary care of the child.~~

2. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and

(b) At the request of the Division, provide the Division with not more than 10 working days within which to:

(1) Investigate the child and the circumstances of the child; and

(2) Recommend a suitable placement to the juvenile court.

Sec. 4. NRS 63.400 is hereby amended to read as follows:

63.400 1. If the juvenile court or the Division of Child and Family Services commits or places a child in a facility, the superintendent of the facility shall accept the child unless, before the child is conveyed to the facility, the superintendent determines that:

(a) There is not ~~[adequate]~~ room ~~[or resources]~~ *allocated* in the facility ~~[to provide the necessary care of]~~ *for* the child ~~[-]~~ *as determined pursuant to subsection 2;*

(b) There ~~[is]~~ *are* not adequate ~~[money]~~ *resources* available ~~[for the support of]~~ *in* the facility ~~[-]~~ *to provide the necessary care for the child;* or

(c) In the opinion of the superintendent, the child is not suitable for admission to the facility.

2. *On or before July 1 of each year, the Division of Child and Family Services shall determine an equitable allocation of rooms*



for each judicial district based upon the ratio that the number of pupils who were enrolled in grades 7 through 12 in public schools within the judicial district during the preceding school year bears to the total number of pupils enrolled in grades 7 through 12 in public schools in this State, as determined by the Department of Education.

3. The superintendent of the facility shall fix the time at which the child must be delivered to the facility.

~~[3.]~~ 4. The juvenile court shall send to the superintendent of the facility a summary of all the facts in the possession of the juvenile court concerning the history of the child committed to the facility.

Sec. 5. NRS 63.770 is hereby amended to read as follows:

63.770 1. A petition may be filed with the juvenile court to request that the parole of a child be suspended, modified or revoked.

2. Pending a hearing, the juvenile court may order ~~[:]~~

~~—(a) The return of the child to the facility; or~~

~~—(b) If approved by a local or regional facility for the detention of children,]~~ that the child be held in the local or regional facility ~~[:]~~ **for the detention of children.**

3. ~~[If the child is held in a local or regional facility for the detention of children pending a hearing, the Youth Parole Bureau must pay all actual and reasonably necessary costs for the confinement of the child in the local or regional facility.~~

~~—4.]~~ If requested, the juvenile court shall allow the child reasonable time to prepare for the hearing.

~~[5.]~~ 4. The juvenile court shall render a decision within 10 days after the conclusion of the hearing.

Sec. 6. NRS 62B.150 is hereby repealed.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

62B.150 Certain counties to pay assessment for operation of regional facilities for detention of children partially supported by State.

1. Except as otherwise provided in subsection 6, each county shall pay an assessment for the operation of each regional facility for the detention of children that is partially supported by the State



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of Nevada and is operated by a county whose population is less than 400,000.

2. The assessment owed by each county equals the total amount budgeted by the Legislature for the operation of the regional facility, minus any money appropriated by the Legislature for the support of the regional facility, divided by the total number of pupils in this State in the preceding school year, excluding pupils in counties whose population is 400,000 or more, and multiplied by the number of pupils in the assessed county. The Administrator of the Division of Child and Family Services shall calculate the assessment owed by each county in June of each year for the ensuing fiscal year.

3. Each county must pay the assessed amount to the Division of Child and Family Services in quarterly installments that are due the first day of the first month of each calendar quarter.

4. The Administrator of the Division of Child and Family Services shall deposit the money received pursuant to subsection 3 in a separate account in the State General Fund. The money in the account may be withdrawn only by the Administrator for the operation of regional facilities for the detention of children.

5. Revenue raised by a county to pay the assessment required pursuant to subsection 1 is not subject to the limitations on revenue imposed pursuant to chapter 354 of NRS and must not be included in the calculation of those limitations.

6. The provisions of this section do not apply to a county whose population is 400,000 or more.

7. As used in this section, "regional facility for the detention of children" or "regional facility" does not include the institution in Lyon County known as Western Nevada Regional Youth Center.

