

ASSEMBLY BILL NO. 207—ASSEMBLYMAN OHRENSCHALL

MARCH 5, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juveniles. (BDR 3-51)

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 juveniles; revising the definition of an act of domestic violence as it relates to a person who is less than 18 years of age; establishing a maximum period of time for which a juvenile court may order an adult who has been placed on probation by the juvenile court or released on parole to be placed in county jail for a violation of probation or parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain unlawful acts constitute domestic violence when committed against certain specified persons. (NRS 33.018) **Section 1** of this bill provides that a person who is less than 18 years of age does not commit an act constituting domestic violence unless he or she commits certain unlawful acts against or upon: (1) his or her spouse; (2) any other person with whom he or she has had or is having a dating relationship; (3) any other person with whom he or she has a child in common; (4) his or her minor child or the minor child of any of those other persons; or (5) any other person specified in existing law relating to domestic violence if it is established by clear and convincing evidence that the person committing the act engaged in a pattern of abusive behavior toward the other person for the purpose of establishing or maintaining power and control over the other person.

Existing law provides that a juvenile court may order a child who is less than 18 years of age to be placed in a facility for the detention of children for not more than 30 days for the violation of probation. Under existing law, if a person who is at least 18 years of age but less than 21 years of age is subject to the jurisdiction of the juvenile court because he or she has been placed on probation by the juvenile court or released on parole from a juvenile detention facility, the juvenile court may order the person to be placed in county jail for the violation of probation or parole. (NRS 62E.710) **Section 2** of this bill limits to 30 days the period for which the juvenile court may order such a person to be placed in county jail.



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

- 1 **Section 1.** NRS 33.018 is hereby amended to read as follows:
2 33.018 1. ~~Domestic~~ *Except as otherwise provided in*
3 *subsection 2, domestic* violence occurs when a person commits one
4 of the following acts against or upon the person's spouse or former
5 spouse, any other person to whom the person is related by blood or
6 marriage, any other person with whom the person is or was actually
7 residing, any other person with whom the person has had or is
8 having a dating relationship, any other person with whom the person
9 has a child in common, the minor child of any of those persons, the
10 person's minor child or any other person who has been appointed
11 the custodian or legal guardian for the person's minor child:
12 (a) A battery.
13 (b) An assault.
14 (c) Compelling the other person by force or threat of force to
15 perform an act from which the other person has the right to refrain
16 or to refrain from an act which the other person has the right to
17 perform.
18 (d) A sexual assault.
19 (e) A knowing, purposeful or reckless course of conduct
20 intended to harass the other person. Such conduct may include, but
21 is not limited to:
22 (1) Stalking.
23 (2) Arson.
24 (3) Trespassing.
25 (4) Larceny.
26 (5) Destruction of private property.
27 (6) Carrying a concealed weapon without a permit.
28 (7) Injuring or killing an animal.
29 (f) A false imprisonment.
30 (g) Unlawful entry of the other person's residence, or forcible
31 entry against the other person's will if there is a reasonably
32 foreseeable risk of harm to the other person from the entry.
33 2. *A person who is less than 18 years of age does not commit*
34 *domestic violence unless the person commits an act listed in*
35 *subsection 1 against or upon:*
36 (a) *His or her spouse or former spouse;*
37 (b) *Any other person with whom he or she has had or is*
38 *having a dating relationship;*
39 (c) *Any other person with whom he or she has a child in*
40 *common;*
41 (d) *His or her minor child or the minor child of any person*
42 *described in paragraph (a), (b) or (c); or*



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1 (e) *Any other person described in subsection 1 only if it is*
2 *established by clear and convincing evidence that the person*
3 *committing the act engaged in a pattern of abusive behavior*
4 *toward the other person for the purpose of establishing or*
5 *maintaining power and control over the other person.*

6 3. As used in this section, "dating relationship" means
7 frequent, intimate associations primarily characterized by the
8 expectation of affectional or sexual involvement. The term does not
9 include a casual relationship or an ordinary association between
10 persons in a business or social context.

11 **Sec. 2.** NRS 62E.710 is hereby amended to read as follows:

12 62E.710 The juvenile court may order any child who is:

13 1. Less than 18 years of age and who has been adjudicated
14 delinquent and placed on probation by the juvenile court to be
15 placed in a facility for the detention of children for not more than 30
16 days for the violation of probation.

17 2. At least 18 years of age but less than 21 years of age and
18 who has been placed on probation by the juvenile court or who has
19 been released on parole to be placed in a county jail *for not more*
20 *than 30 days* for the violation of probation or parole.

