

ASSEMBLY BILL NO. 392—ASSEMBLYMEN FIORE; AIZLEY, PAUL
ANDERSON, BOBZIEN, BUSTAMANTE ADAMS, COHEN,
DIAZ, DUNCAN, ELLISON, HAMBRICK, HANSEN, HEALEY,
HICKEY, KIRNER, LIVERMORE, MARTIN, STEWART,
WHEELER AND WOODBURY

MARCH 18, 2013

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the truancy of pupils.
(BDR 5-617)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring a district attorney to
file a petition with the juvenile court if a pupil is cited for
habitual truancy or prepare a written statement of the
reason for not filing a petition; requiring district attorneys
to file a report each session concerning such petitions;
requiring a school police officer or law enforcement
agency to deliver to the district attorney a copy of a
citation issued to a pupil who appears to be a habitual
truant; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 Existing law requires that if a school police officer or law enforcement agency
2 determines after an investigation that a pupil appears to be a habitual truant, the
3 school police officer or law enforcement agency must prepare a citation which
4 directs the pupil to appear in the proper juvenile court. A copy of the citation must
5 be delivered to the pupil and to the parent, guardian or any other person who has
6 control or charge of the pupil. (NRS 392.149) **Section 3** of this bill requires a copy
7 of the citation also to be delivered to the district attorney for the county. **Section 1**
8 of this bill requires the district attorney to prepare, sign and file a petition
9 concerning the pupil's habitual truancy with the juvenile court after the district



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attorney receives a copy of the citation or, if not, to prepare a written statement of the reason for not filing a petition for inclusion in a report to the Legislature required before each legislative session concerning the filing of these petitions.

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

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

1. If a school police officer or law enforcement agency issues a citation directing a pupil who appears to be a habitual truant to appear in the proper juvenile court and delivers a copy of the citation to the district attorney pursuant to NRS 392.149, the district attorney shall, after receiving a copy of the citation, prepare and sign a petition pursuant to NRS 62C.110 and file the petition with the juvenile court or prepare a written statement of the reason for not filing a petition for inclusion in the report pursuant to subsection 2.

2. On or before January 15 of each odd-numbered year, each district attorney in this State shall prepare and submit an annual report concerning the petitions filed pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature. Such a report must specify the number of petitions filed following the receipt of a citation as described in subsection 1, the number of instances in which the district attorney determined not to file a petition following receipt of such a citation and a compilation of the reasons for not filing a petition in those instances. Information included in the report must exclude any identifying information related to a particular person.

Sec. 2. NRS 62C.110 is hereby amended to read as follows:

62C.110 1. Before a petition alleging delinquency or need of supervision or a petition for revocation may be filed with the juvenile court, the district attorney must prepare and sign the petition. The district attorney shall represent the petitioner in all proceedings.

2. The petition must be:

(a) Entitled, "In the Matter of, a child"; and

(b) Verified by the person who signs it.

3. The petition must set forth specifically:

(a) The facts which bring the child within the jurisdiction of the juvenile court and the date when delinquency occurred or need of supervision arose.

(b) The name, date of birth and address of the residence of the child.



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(c) The name and address of the residence of the parent or guardian of the child. If the parent or guardian of the child does not reside or cannot be found within this State, or if the address of the parent or guardian is unknown:

(1) The name of any known adult relative residing within this State; or

(2) If no known adult relative resides within this State, the known adult relative residing nearest to the juvenile court.

(d) The name and address of the spouse of the child, if any.

(e) Whether the child is in custody and, if so, the place of detention and the time the child was taken into custody.

4. If any of the facts required by subsection 3 are not known, the petition must so state.

5. In addition to the information required pursuant to this section, a petition alleging that a child is in need of supervision must contain the following information regarding efforts made to modify the behavior of the child:

(a) A list of the local programs to which the child was referred; and

(b) Other efforts taken in the community.

~~†→ The provisions of this subsection do not apply to a child who is alleged to be in need of supervision because the child is a habitual truant.†~~

Sec. 3. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil, ~~and~~ to the parent, guardian or any other person who has control or charge of the pupil *and to the district attorney of the county* by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

Sec. 4. This act becomes effective on July 1, 2013.

