

ASSEMBLY BILL NO. 153—ASSEMBLYMEN ARAUJO, DIAZ,
HAMBRICK; BENITEZ-THOMPSON, FLORES, O’NEILL AND
THOMPSON

FEBRUARY 13, 2015

JOINT SPONSOR: SENATOR DENIS

Referred to Committee on Judiciary

SUMMARY—Revises various provisions related to sexually
exploited children. (BDR 5-622)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; providing that a sexually exploited
child is a child in need of supervision for the purposes of
juvenile court proceedings; revising provisions governing
the detention of sexually exploited children; revising
provisions governing juvenile court proceedings
involving sexually exploited children; and providing other
matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the juvenile court has exclusive jurisdiction over a juvenile:
(1) who is alleged or adjudicated to be in need of supervision; or (2) who is alleged
or adjudicated to be delinquent because he or she has committed certain crimes.
(NRS 62B.320, 62B.330) **Sections 1 and 4** of this bill provide that a child who is
under the age of 18 years and who engages in or attempts to engage in prostitution
or solicitation for prostitution is a sexually exploited child and a child in need of
supervision for the purposes of juvenile court proceedings. **Section 3** of this bill
makes such a child subject to the exclusive jurisdiction of the juvenile court.

Under existing law, certain children alleged to be in need of supervision are
required to be released within 24 hours after being taken into custody and detained.
(NRS 62C.050) **Section 5** of this bill creates an exception to this requirement for a
sexually exploited child.

Under existing law, if a petition is filed alleging that a child is in need of
supervision and the child has not previously been found to be within the jurisdiction
of the juvenile court, the juvenile court is required to admonish the child and refer
him or her to services available in the community, unless the child is alleged to be a



17 habitual truant. (NRS 62E.410) **Section 6** of this bill makes this requirement
18 inapplicable to a child who is alleged to be a sexually exploited child.

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

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

3 *“Sexually exploited child” means a child who is less than 18*
4 *years of age and who is alleged or adjudicated to have engaged or*
5 *attempted to engage in prostitution or solicitation for prostitution*
6 *in violation of NRS 201.354.*

7 **Sec. 2.** NRS 62A.010 is hereby amended to read as follows:

8 62A.010 As used in this title, unless the context otherwise
9 requires, the words and terms defined in NRS 62A.020 to 62A.350,
10 inclusive, *and section 1 of this act* have the meanings ascribed to
11 them in those sections.

12 **Sec. 3.** NRS 62B.320 is hereby amended to read as follows:

13 62B.320 1. Except as otherwise provided in this title, the
14 juvenile court has exclusive original jurisdiction in proceedings
15 concerning any child living or found within the county who is
16 alleged or adjudicated to be in need of supervision because the
17 child:

18 (a) Is subject to compulsory school attendance and is a habitual
19 truant from school;

20 (b) Habitually disobeys the reasonable and lawful demands of
21 the parent or guardian of the child and is unmanageable;

22 (c) Deserts, abandons or runs away from the home or usual
23 place of abode of the child and is in need of care or rehabilitation;

24 (d) Uses an electronic communication device to transmit or
25 distribute a sexual image of himself or herself to another person or
26 to possess a sexual image in violation of NRS 200.737;

27 (e) Transmits or distributes an image of bullying committed
28 against a minor in violation of NRS 200.900;

29 (f) Violates a county or municipal ordinance imposing a curfew
30 on a child;

31 (g) Violates a county or municipal ordinance restricting loitering
32 by a child; ~~for~~

33 (h) Commits an offense related to tobacco ~~for~~; *or*

34 *(i) Is a sexually exploited child.*

35 2. A child who is subject to the jurisdiction of the juvenile
36 court pursuant to this section must not be considered a delinquent
37 child.

38 3. The provisions of subsection 1 do not prohibit the
39 imposition of administrative sanctions pursuant to NRS 392.148



1 against a child who is subject to compulsory school attendance and
2 is a habitual truant from school.

3 4. As used in this section:

4 (a) "Bullying" means a willful act which is written, verbal or
5 physical, or a course of conduct on the part of one or more persons
6 which is not otherwise authorized by law and which exposes a
7 person one time or repeatedly and over time to one or more negative
8 actions which is highly offensive to a reasonable person and:

9 (1) Is intended to cause or actually causes the person to
10 suffer harm or serious emotional distress;

11 (2) Poses a threat of immediate harm or actually inflicts harm
12 to another person or to the property of another person;

13 (3) Places the person in reasonable fear of harm or serious
14 emotional distress; or

15 (4) Creates an environment which is hostile to a pupil by
16 interfering with the education of the pupil.

17 (b) "Electronic communication device" has the meaning
18 ascribed to it in NRS 200.737.

19 (c) "Sexual image" has the meaning ascribed to it in
20 NRS 200.737.

21 **Sec. 4.** NRS 62B.330 is hereby amended to read as follows:

22 62B.330 1. Except as otherwise provided in this title, the
23 juvenile court has exclusive original jurisdiction over a child living
24 or found within the county who is alleged or adjudicated to have
25 committed a delinquent act.

26 2. ~~For~~ *Except as otherwise provided in subsection 3, for* the
27 purposes of this section, a child commits a delinquent act if the
28 child:

29 (a) Violates a county or municipal ordinance other than those
30 specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320 or
31 an offense related to tobacco;

32 (b) Violates any rule or regulation having the force of law; or

33 (c) Commits an act designated a criminal offense pursuant to the
34 laws of the State of Nevada.

35 3. *The provisions of subsection 2 do not apply to a sexually*
36 *exploited child.*

37 4. For the purposes of this section, each of the following acts
38 shall be deemed not to be a delinquent act, and the juvenile court
39 does not have jurisdiction over a person who is charged with
40 committing such an act:

41 (a) Murder or attempted murder and any other related offense
42 arising out of the same facts as the murder or attempted murder,
43 regardless of the nature of the related offense, if the person was 16
44 years of age or older when the murder or attempted murder was
45 committed.



(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.



(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 5. NRS 62C.050 is hereby amended to read as follows:

62C.050 1. Except as otherwise provided in this section, if a child who is alleged to be in need of supervision is taken into custody and detained, the child must be released not later than 24 hours, excluding Saturdays, Sundays and holidays, after the child's initial contact with a peace officer or probation officer to:

(a) A parent or guardian of the child;

(b) Any other person who is able to provide adequate care and supervision for the child; or

(c) Shelter care.

2. A child does not have to be released pursuant to subsection 1 if the juvenile court:

(a) Holds a detention hearing;

(b) Determines that the child:

(1) Has threatened to run away from home or from the shelter;

(2) Is accused of violent behavior at home; or

(3) Is accused of violating the terms of a supervision and consent decree; and

(c) Determines that the child needs to be detained to make an alternative placement for the child.

➤ The child may be detained for an additional 24 hours but not more than 48 hours after the detention hearing, excluding Saturdays, Sundays and holidays.

3. A child does not have to be released pursuant to this section if the juvenile court:

(a) Holds a detention hearing; and

(b) Determines that the child:

(1) Is a ward of a federal court or held pursuant to a federal statute;

(2) Has run away from another state and a jurisdiction within that state has issued a want, warrant or request for the child; or

(3) Is accused of violating a valid court order.

➤ The child may be detained for an additional period as necessary for the juvenile court to return the child to the jurisdiction from which the child originated or to make an alternative placement for the child.

4. *A child does not have to be released pursuant to this section if the juvenile court:*

(a) Holds a detention hearing; and

(b) Determines that the child is a sexually exploited child.



1 ↪ *The child may be detained for an additional period as necessary*
2 *for the juvenile court to make an alternative placement for the*
3 *child to protect him or her from further exploitation.*

4 5. For the purposes of this section, an alternative placement
5 must be in a facility in which there are no physical restraining
6 devices or barriers.

7 **Sec. 6.** NRS 62E.410 is hereby amended to read as follows:

8 62E.410 1. If a petition is filed alleging that a child is in need
9 of supervision and the child previously has not been found to be
10 within the purview of this title, the juvenile court:

11 (a) Shall admonish the child to obey the law and to refrain from
12 repeating the acts for which the petition was filed;

13 (b) Shall maintain a record of the admonition;

14 (c) Shall refer the child to services available in the community
15 for counseling, behavioral modification and social adjustment; and

16 (d) Shall not adjudicate the child to be in need of supervision,
17 unless a subsequent petition based upon additional facts is filed with
18 the juvenile court after admonition and referral pursuant to this
19 subsection.

20 2. If a child is not subject to the provisions of subsection 1, the
21 juvenile court may not adjudicate the child to be in need of
22 supervision unless the juvenile court expressly finds that reasonable
23 efforts were taken in the community to assist the child in ceasing the
24 behavior for which the child is alleged to be in need of supervision.

25 3. The provisions of this section do not apply to a child who is
26 alleged to be in need of supervision because the child is a habitual
27 truant ~~or~~ *or is a sexually exploited child.*

28 **Sec. 7.** This act becomes effective on July 1, 2016.

