

Amendment No. 232

Assembly Amendment to Assembly Bill No. 124	(BDR 5-182)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MKM/BJF



Date: 4/7/2015

A.B. No. 124—Revises provisions governing juvenile justice. (BDR 5-182)



ASSEMBLY BILL NO. 124—ASSEMBLYMEN DIAZ, CARRILLO, ELLIOT ANDERSON,
KIRKPATRICK, OHRENSCHALL; ARAUJO, BUSTAMANTE ADAMS, CARLTON,
DICKMAN, FLORES, JOINER, NEAL, SPRINKLE, SWANK AND THOMPSON

FEBRUARY 6, 2015

JOINT SPONSOR: SENATOR DENIS

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing ~~juvenile justice;~~ punishment for crimes. (BDR ~~(5-182); 4-182)~~)

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;~~ punishment for crimes; revising the minimum age at which a child may be ~~adjudicated and~~ punished ~~as a delinquent child;~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides that a juvenile court may adjudicate a child to be a delinquent child if the child has committed certain acts designated as criminal offenses. (NRS 62A.070, 62B.230.) Under existing law, the minimum age at which a child may be adjudicated and punished as a delinquent child for a crime is 8 years of age. (NRS 62E.520, 63.440, 194.010) This bill raises the minimum age at which a child may be adjudicated and punished as a delinquent child to 10 years of age, unless the child is charged with murder or certain sexual offenses.~~

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

Section 1. ~~NRS 62A.070 is hereby amended to read as follows:~~
~~62A.070 “Delinquent child” means a child who is at least 10 years of age and who is adjudicated delinquent pursuant to the provisions of this title. (Deleted by amendment.)~~
Sec. 2. ~~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 if:~~

~~(a) The child is at least [8] 10 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 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.~~

~~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 2 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.] (Deleted by amendment.)~~

Sec. 3. [NRS 63.440 is hereby amended to read as follows:

~~63.440 1. Except as otherwise provided in chapter 62E of NRS, if the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the Division may, within the limits of legislative appropriation:~~

~~(a) If the child is at least [8] 10 years of age but less than 12 years of age, place the child in any public or private institution or agency which is located within or outside this state and which is authorized to care for children. The child must not be placed in a facility.~~

~~(b) If the child is at least 12 years of age but less than 18 years of age, place the child in a facility or in any public or private institution or agency which is located within or outside this state and which is authorized to care for children.~~

~~2. The Division of Child and Family Services may change the placement of the child from any public or private institution or agency that is authorized to care for the child pursuant to this section to another public or private institution or agency that is authorized to care for the child pursuant to this section.~~

~~3. Before the Division of Child and Family Services may change any placement authorized by this section, the Division shall:~~

~~(a) Notify the parent or guardian of the child; and~~

~~(b) Obtain the approval of the juvenile court.] (Deleted by amendment.)~~

Sec. 3.5. NRS 48.061 is hereby amended to read as follows:

~~48.061 1. Except as otherwise provided in subsection 2, evidence of domestic violence and expert testimony concerning the effect of domestic violence, including, without limitation, the effect of physical, emotional or mental abuse, on the beliefs, behavior and perception of the alleged victim of the domestic violence that is offered by the prosecution or defense is admissible in a criminal proceeding for any relevant purpose, including, without limitation, when determining:~~

~~(a) Whether a defendant is excepted from criminal liability pursuant to subsection ~~77~~ 8 of NRS 194.010, to show the state of mind of the defendant.~~

~~(b) Whether a defendant in accordance with NRS 200.200 has killed another in self-defense, toward the establishment of the legal defense.~~

~~2. Expert testimony concerning the effect of domestic violence may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.~~

1 3. As used in this section, “domestic violence” means the commission of any
2 act described in NRS 33.018.

3 **Sec. 4.** NRS 194.010 is hereby amended to read as follows:

4 194.010 All persons are liable to punishment except those belonging to the
5 following classes:

6 1. Children under the age of ~~8~~ ~~14~~ years.

7 2. Children between the ages of 8 years and 10 years, unless the child is
8 charged with murder or a sexual offense as defined in NRS 62F.100.

9 3. Children between the ages of ~~8~~ ~~14~~ years and 14 years, in the absence of
10 clear proof that at the time of committing the act charged against them they knew
11 its wrongfulness.

12 ~~3.~~ 4. Persons who committed the act charged or made the omission charged
13 in a state of insanity.

14 ~~4.~~ 5. Persons who committed the act or made the omission charged under
15 an ignorance or mistake of fact, which disproves any criminal intent, where a
16 specific intent is required to constitute the offense.

17 ~~5.~~ 6. Persons who committed the act charged without being conscious
18 thereof.

19 ~~6.~~ 7. Persons who committed the act or made the omission charged, through
20 misfortune or by accident, when it appears that there was no evil design, intention
21 or culpable negligence.

22 ~~7.~~ 8. Persons, unless the crime is punishable with death, who committed the
23 act or made the omission charged under threats or menaces sufficient to show that
24 they had reasonable cause to believe, and did believe, their lives would be
25 endangered if they refused, or that they would suffer great bodily harm.