

**Amendment No. 152**

Assembly Amendment to Assembly Bill No. 153 (BDR 5-622)

**Proposed by:** Assembly Committee on Judiciary

**Amends:** Summary: No 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.

BJF/BAW



Date: 4/2/2015

A.B. No. 153—Revises various provisions related to sexually exploited children.  
(BDR 5-622)



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~~ , under certain circumstances, the juvenile court [proceedings involving sexually exploited children] must place a child who is alleged to have engaged in prostitution or the solicitation of prostitution under the supervision of the juvenile court subject to certain terms and conditions; 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 habitual truant. (NRS 62E.410) Section 6 of this bill makes this requirement inapplicable to a child who is alleged to be a sexually exploited child.~~ Existing law authorizes the juvenile court, under certain circumstances, to place a child under the supervision of the juvenile court pursuant to a supervision and

consent decree, without a formal adjudication of delinquency, if the child is alleged to be in need of supervision or to have committed a delinquent act. (NRS 62C.230)

This bill requires the juvenile court to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree if the child is alleged to have engaged in prostitution or the solicitation of prostitution. Under this bill, the juvenile court: (1) must order that the terms and conditions of the supervision and consent decree include, without limitation, services to address the sexual exploitation of the child and any other needs of the child; and (2) may issue certain orders, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest. If the child is alleged to have violated the supervision and consent decree or an order of the juvenile court: (1) the allegation must be placed before the court pursuant to a motion or a request for judicial review, except that the district attorney may file a petition alleging that the child committed a delinquent act under certain circumstances; and (2) the court may issue certain orders concerning the child. This bill further requires that the juvenile court, upon successful completion of the terms and conditions of the supervision and consent decree or at the time the child reaches 18 years of age, whichever is earlier, must dismiss the petition alleging that the child engaged in prostitution or the solicitation of prostitution. However, a child who has reached 18 years of age may consent to remain under the supervision of the juvenile court for the purpose of receiving services pursuant to the decree.

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

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

~~“Sexually exploited child” means a child who is less than 18 years of age and who is alleged or adjudicated to have engaged or attempted to engage in prostitution or solicitation for prostitution in violation of NRS 201.354.] (Deleted by amendment.)~~

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

~~62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

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

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

~~{or}~~

~~(h) Commits an offense related to tobacco [.] ; or~~

~~(i) Is a sexually exploited child.~~

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

~~3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to NRS 392.148 against a child who is subject to compulsory school attendance and is a habitual truant from school.~~

~~4. As used in this section:~~

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

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

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

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

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

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

~~(c) "Sexual image" has the meaning ascribed to it in NRS 200.737.] (Deleted by amendment.)~~

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

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

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

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

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

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

~~3. The provisions of subsection 2 do not apply to a sexually exploited child.~~

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

~~(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was 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.] (Deleted by amendment.)~~

**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.~~

~~2. 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.~~

~~➔ The child may be detained for an additional period as necessary for the juvenile court to make an alternative placement for the child to protect him or her from further exploitation.~~

~~5. For the purposes of this section, an alternative placement must be in a facility in which there are no physical restraining devices or barriers.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

~~3. The provisions of this section do not apply to a child who is alleged to be in need of supervision because the child is a habitual truant [.] or is a sexually exploited child.] (Deleted by amendment.)~~

**Sec. 6.5. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. If the district attorney files a petition with the juvenile court alleging that a child who is less than 18 years of age has engaged in prostitution or the solicitation of prostitution, the juvenile court:**

**(a) Except as otherwise provided in paragraph (b), shall:**

**(1) Place the child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency; and**

1 (2) Order that the terms and conditions of the supervision and consent  
2 decree include, without limitation, services to address the sexual exploitation of  
3 the child and any other needs of the child, including, without limitation, any  
4 counseling and medical treatment for victims of sexual assault in accordance  
5 with the provisions of NRS 217.280 to 217.350, inclusive.

6 (b) If the child originated from a jurisdiction outside this State, may return  
7 the child to the jurisdiction from which the child originated.

8 2. If a child is placed under a supervision and consent decree pursuant to  
9 this section, the juvenile court may issue any order authorized by chapter 62E of  
10 NRS, including, without limitation, any placement of the child that the juvenile  
11 court finds to be in the child's best interest.

12 3. If a child is alleged to have violated the provisions of a supervision and  
13 consent decree under this section or an order issued pursuant to this section:

14 (a) The district attorney must not file a petition alleging that the child has  
15 violated the decree or order and the allegation must be placed before the court  
16 pursuant to a motion or a request for judicial review. This paragraph does not  
17 prohibit the district attorney from filing a petition alleging that the child has  
18 committed a delinquent act.

19 (b) The juvenile court may issue any order authorized by chapter 62E of  
20 NRS, including, without limitation, any placement of the child that the juvenile  
21 court finds to be in the child's best interest.

22 4. Except as otherwise provided in this subsection, if a child is placed under  
23 the supervision of the juvenile court pursuant to a supervision and consent decree  
24 under this section, the juvenile court shall dismiss the petition upon the  
25 successful completion of the terms and conditions of the supervision and consent  
26 decree or at the time the child reaches 18 years of age, whichever is earlier. A  
27 child who has reached 18 years of age may consent to remain under the  
28 supervision of the juvenile court for the purpose of receiving services provided  
29 under the supervision and consent decree.

30 Sec. 7. This act becomes effective ~~on July 1, 2016,~~ upon passage and  
31 approval.