

SENATE BILL No. 452—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON  
CHILD WELFARE AND JUVENILE JUSTICE)

MARCH 23, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juvenile justice.  
(BDR 5-186)

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 juvenile justice; authorizing a case excluded from the jurisdiction of the juvenile court to be transferred to the juvenile court under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law deems certain acts not to be delinquent acts and provides that the juvenile court does not have jurisdiction over a person who is charged with committing such acts and related offenses arising out of the same facts as those acts. (NRS 62B.330) Furthermore, existing law prohibits a court from transferring a case and record to the juvenile court if the proceeding involves a criminal act excluded from the jurisdiction of the juvenile court. (NRS 62B.370) This bill authorizes a district court to transfer a case and record to the juvenile court if the charge causing the case to be excluded from the jurisdiction of the juvenile court is dismissed or results in a finding of not guilty.

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

**Section 1.** NRS 62A.030 is hereby amended to read as follows:  
62A.030 1. "Child" means:  
(a) A person who is less than 18 years of age;



\* S B 4 5 2 \*

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of NRS 62F.200, 62F.220 and 62F.260.

2. The term does not include:

(a) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~(f)~~, *except as otherwise provided in that section;*

(b) A person who is transferred to the district court for criminal proceedings as an adult pursuant to NRS 62B.335; or

(c) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

**Sec. 2.** 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 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. ~~(f)~~ *Except as otherwise provided in this section, 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.

*4. A court may transfer a case and record to the juvenile court if:*

*(a) All of the following charges are dismissed or if a person charged with committing an act listed in subsection 3 is found not guilty of all charges of:*



(1) *Murder or attempted murder, as described in paragraph (a) of subsection 3;*

(2) *Sexual assault or attempted sexual assault, as described in paragraph (b) of subsection 3;*

(3) *Offenses or attempted offenses involving the use or threatened use of a firearm, as described in paragraph (c) of subsection 3;*

(4) *Felonies resulting in death or substantial bodily harm, as described in paragraph (d) of subsection 3; and*

(5) *Category A and B felonies, as described in paragraph (e) of subsection 3; and*

*(b) The person would have been subject to the jurisdiction of the juvenile court if he or she had not been charged with an offense listed in paragraph (a).*

5. *A court making a transfer pursuant to subsection 4 shall:*

*(a) Order the child to be taken immediately to the place of detention designated by the juvenile court;*

*(b) Order the child to be taken immediately to appear before the juvenile court; or*

*(c) Release the child to the custody of a suitable person and order the child to be brought before the juvenile court at a time designated by the juvenile court.*

6. *The juvenile court has jurisdiction over a person whose case has been transferred to the juvenile court pursuant to subsection 4, and the person is a child for the purposes of this title.*

**Sec. 3.** NRS 62B.370 is hereby amended to read as follows:

62B.370 1. Except as otherwise provided in this title, a court shall transfer a case and record to the juvenile court if, during the pendency of a proceeding involving a criminal offense, it is ascertained that the person who is charged with the offense was less than 18 years of age when the person allegedly committed the offense.

2. A court shall not transfer a case and record to the juvenile court if the proceeding involves a criminal offense:

(a) Excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~(1)~~, *except as otherwise provided in that section;* or

(b) Transferred to the court pursuant to NRS 62B.335.

3. A court making a transfer pursuant to this section shall:

(a) Order the child to be taken immediately to the place of detention designated by the juvenile court;

(b) Order the child to be taken immediately to appear before the juvenile court; or



- 1 (c) Release the child to the custody of a suitable person and
- 2 order the child to be brought before the juvenile court at a time
- 3 designated by the juvenile court.

