

Amendment No. 912

Assembly Amendment to Senate Bill No. 470 (BDR 5-347)

Proposed by: Assemblyman Yeager

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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.

DP/BAW



Date: 5/23/2017

S.B. No. 470—Revises provisions governing the release of information relating to children. (BDR 5-347)



SENATE BILL NO. 470—COMMITTEE ON JUDICIARY

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

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the release of information relating to children. (BDR 5-347)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. To release such information to a school district, a director of juvenile services or the Youth Parole Bureau must enter into a written agreement with the school district for the sharing of the information. (NRS 62H.025) This bill: (1) revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include a law enforcement agency engaged in a criminal investigation or delinquency proceeding or involved in a situation concerning a child who is a threat to himself or herself or to the safety of others; and (2) authorizes a director of juvenile services and the Youth Parole Bureau to release information to a school district only if the written agreement with the school district provides for the sharing of data from the educational record of the child.

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

Section 1. NRS 62H.025 is hereby amended to read as follows:
62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

- (a) A director of juvenile services or his or her designee;
- (b) The Chief of the Youth Parole Bureau or his or her designee;
- (c) A district attorney or his or her designee;
- (d) An attorney representing the child;
- (e) The director of a state agency which administers juvenile justice or his or her designee;
- (f) A director of a state, regional or local facility for the detention of children or his or her designee;
- (g) The director of an agency which provides child welfare services or his or her designee;
- (h) A guardian ad litem or court appointed special advocate who represents the child;
- (i) A parent or guardian of the child;
- (j) The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;
- (k) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information *and data from an educational record of a child maintained by the school district* for a purpose consistent with the purposes of this section;
- (l) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;
- (m) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; ~~for~~
- (n) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order ~~for~~; or
- (o) *A law enforcement agency in the course of a criminal investigation, a delinquency proceeding conducted pursuant to the provisions of this title or a situation involving a child who is subject to the jurisdiction of the juvenile court and who poses a threat to himself or herself or to the safety or well-being of others.*

3. A juvenile justice agency may deny a request for juvenile justice information if:

- (a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or
- (b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➤ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

- (a) Educational services;
- (b) Social services;
- (c) Mental health services;
- (d) Medical services; or

1 (e) Legal services.

2 5. Except as otherwise provided in this subsection, any person who is
3 provided with juvenile justice information pursuant to this section and who further
4 disseminates the information or makes the information public is guilty of a gross
5 misdemeanor. This subsection does not apply to:

6 (a) A district attorney who uses the information solely for the purpose of
7 initiating legal proceedings; or

8 (b) A person or organization described in subsection 2 who provides a report
9 concerning juvenile justice information to a court or other party pursuant to this
10 title or chapter 432B of NRS.

11 6. As used in this section:

12 (a) "Juvenile justice agency" means the Youth Parole Bureau or a director of
13 juvenile services.

14 (b) "Juvenile justice information" means any information which is directly
15 related to a child in need of supervision, a delinquent child or any other child who
16 is otherwise subject to the jurisdiction of the juvenile court.

17 **Sec. 2.** This act becomes effective ~~on July 1, 2017,~~ upon passage and
18 approval.