
ASSEMBLY BILL NO. 132—ASSEMBLYMEN FLORES, TORRES,
GONZÁLEZ; ANDERSON, BROWN-MAY, CONSIDINE,
DURAN, MARTINEZ, SUMMERS-ARMSTRONG AND THOMAS

FEBRUARY 15, 2021

JOINT SPONSOR: SENATOR DONATE

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juvenile justice.
(BDR 5-783)

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 juvenile justice; requiring the electronic recording of an interrogation of a child under certain circumstances; requiring a child to be represented by an attorney under certain circumstances; requiring a juvenile court to presume a child is indigent for the purpose of appointing an attorney to represent the child; directing the Juvenile Justice Oversight Commission to review and study the effects of certain provisions relating to juvenile justice; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill requires a peace officer or probation officer to make an
2 electronic recording of an interrogation if the peace officer or probation officer
3 interrogates a child under 15 years of age who is in custody and is suspected of
4 committing certain acts. **Section 1** exempts a peace officer or probation officer
5 from the requirement to make an electronic recording if: (1) exigent circumstances
6 exist which present a serious and immediate threat of safety to the child or to the
7 safety of others; or (2) the peace officer or probation officer makes contact with the
8 child in the course of performing certain duties related to the supervision or
9 placement of the child or providing services or other care to the child. Lastly,
10 **section 1** requires a child to be represented by an attorney during the electronic
11 recording of such an interrogation.



Existing law requires a juvenile court to advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings if the child is alleged to be delinquent or in need of supervision. If a parent or guardian of such a child is indigent, existing law: (1) authorizes the parent or guardian to request the appointment of an attorney to represent the child; and (2) requires the juvenile court to appoint an attorney for the child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney. (NRS 62D.030) **Section 2** of this bill requires the juvenile court to: (1) presume a child is indigent for the purpose of appointing an attorney in juvenile proceedings and; (2) not require an affidavit concerning the financial disability of the child. **Section 3** of this bill makes a conforming change.

Existing law establishes the Juvenile Justice Oversight Commission which performs certain functions relating to the juvenile system. (NRS 62B.600) **Section 4** of this bill requires the Commission to hold one or more meetings to review and study the effectiveness of the juvenile justice system as a result of the provisions enacted and amended in this bill.

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

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

1. Except as otherwise provided in subsection 2, a peace officer or probation officer who takes a child under 15 years of age into custody pursuant to NRS 62C.010 shall make an electronic recording of any custodial interrogation if the child is alleged to have committed:

(a) An act deemed not to be a delinquent act pursuant to subsection 3 of NRS 62B.330; or

(b) An offense for which the child may or must be certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. A peace officer or probation officer is not required to make an electronic recording pursuant to subsection 1 if:

(a) Exigent circumstances exist, including without limitation, a serious and immediate threat to the safety of the child or to the safety of others; or

(b) The peace officer or probation officer makes contact with the child in the course of performing any normal or routine duties related to the supervision or placement of the child or providing services or other care to the child.

3. If a peace officer or probation officer makes an electronic recording of a custodial interrogation pursuant to subsection 1, the child must be represented by an attorney during the custodial interrogation.

4. As used in this section:



1 (a) "Custodial interrogation" means an interrogation of a
2 child while the child is in custody.

3 (b) "Electronic recording" means:

4 (1) If audiovisual recording is feasible, an audiovisual
5 recording; or

6 (2) If audiovisual recording is not feasible, an audio-only
7 recording.

8 (c) "Interrogation" means questioning which is initiated by a
9 peace officer or probation officer or any words or actions on the
10 part of a peace officer or probation officer, other than those which
11 are ordinarily attendant to confinement or detention, that the
12 peace officer or probation officer should know are reasonably
13 likely to elicit an incriminating response from the child who is
14 being questioned.

15 **Sec. 2.** NRS 62D.030 is hereby amended to read as follows:

16 62D.030 1. If a child is alleged to be delinquent or in need of
17 supervision, the juvenile court shall ~~advise~~:

18 (a) Advise the child and the parent or guardian of the child that
19 the child is entitled to be represented by an attorney at all stages of
20 the proceedings ~~;~~

21 ~~2. If a parent or guardian of a child is indigent, the parent or~~
22 ~~guardian may request the appointment];~~

23 (b) Presume the child is indigent for the purpose of appointing
24 an attorney to represent the child pursuant to the provisions in
25 NRS 171.188 ~~;~~

26 ~~3.];~~

27 (c) Not require the child to submit an affidavit concerning the
28 financial disability of the child; and

29 (d) Except as otherwise provided in this section, ~~the juvenile~~
30 ~~court shall~~ appoint an attorney for a child if the parent or guardian
31 of the child does not retain an attorney for the child and is not likely
32 to retain an attorney for the child.

33 ~~4. 2.~~ A child may waive the right to be represented by an
34 attorney if:

35 (a) A petition is not filed and the child is placed under informal
36 supervision pursuant to NRS 62C.200; or

37 (b) A petition is filed and the record of the juvenile court shows
38 that the waiver of the right to be represented by an attorney is made
39 knowingly, intelligently, voluntarily and in accordance with any
40 applicable standards established by the juvenile court.

41 ~~5. 3.~~ Except as otherwise provided in NRS 424.085, if the
42 juvenile court appoints an attorney to represent a child, the parent or
43 guardian must not be required to pay the fees and expenses of the
44 attorney.



1 ~~6.]~~ 4. Each attorney, other than a public defender, who is
2 appointed under the provisions of this section is entitled to the same
3 compensation and expenses from the county as is provided in NRS
4 7.125 and 7.135 for attorneys appointed to represent persons
5 charged with criminal offenses.

6 **Sec. 3.** NRS 62D.035 is hereby amended to read as follows:

7 62D.035 Subject to the provisions of subsection ~~6.]~~ 4 of NRS
8 62D.030 and chapter 260 of NRS, a public defender or any other
9 attorney who represents a child in proceedings pursuant to the
10 provisions of this title may consult with and seek appointment of:

11 1. Any social worker licensed pursuant to chapter 641B of
12 NRS;

13 2. Any qualified mental health professional, as defined in
14 NRS 458A.057;

15 3. Any educator; and

16 4. Any other expert the attorney deems appropriate.

17 **Sec. 4.** 1. The Juvenile Justice Oversight Commission
18 established by NRS 62B.600 shall, during the 2025-2026 interim,
19 review and study the effectiveness of the juvenile justice system as a
20 result of:

21 (a) The provisions enacted by section 1 of this act.

22 (b) The provisions of NRS 62D.030, as amended by section 2 of
23 this act.

24 2. The Commission shall hold one or more meetings in
25 connection with the duties prescribed in this section.

26 **Sec. 5.** This act becomes effective on July 1, 2021.

