

SENATE BILL NO. 359—SENATOR OHRENSCHALL

MARCH 22, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juvenile justice.
(BDR 5-56)

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; revising provisions relating to community service ordered for a child who is subject to the jurisdiction of the juvenile court; authorizing a juvenile court to order a child who is subject to the jurisdiction of the juvenile court to attend or participate in counseling or psychological treatment under certain circumstances; revising provisions relating to the driving privileges of certain children who are adjudicated delinquent or in need of supervision; revising provisions relating to an agreement for informal supervision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a juvenile court to order a child who is subject to the jurisdiction of the juvenile court or the parent or guardian of such a child, or both, to perform community service. (NRS 62E.180) Existing law: (1) defines “community service” for the purposes of any such order to include certain public service, work on public projects, supervised work for the benefit of the community or any other work required by the juvenile court; and (2) requires a child, parent or guardian to perform community service for and under the supervising authority of certain public entities or a private nonprofit corporation. (NRS 62A.060, 62E.180, 62E.190) **Section 1** of this bill expands the definition of “community service” to include other activities which may be required by the juvenile court, such as participating in tutoring or extracurricular activities. **Section 4** of this bill makes a conforming change by authorizing a child’s school of attendance or the school at which a child participates in tutoring or extracurricular activities to supervise the performance of community service.

Under existing law, a child placed under the informal supervision of a probation officer may be required to perform community service or engage in certain other activities. (NRS 62C.210) **Section 2** of this bill additionally provides



that a child placed under informal supervision may be required to attend or participate in counseling or psychological treatment.

Existing law requires a child who commits certain alcohol or marijuana offenses to perform community service. (NRS 62E.173) **Section 3** of this bill instead authorizes a juvenile court to order such a child to perform community service or attend or participate in counseling or psychological treatment for a certain number of hours.

Existing law authorizes or requires the juvenile court to suspend or delay the issuance of the driver's license of a child who is adjudicated delinquent or in need of supervision under certain circumstances. Under existing law, if a child is already the subject of such an order, the juvenile court must order the additional suspension or delay to apply consecutively with the previous order. (NRS 62E.440, 62E.630, 62E.650, 62E.690) **Sections 6, 8, 9 and 11** of this bill remove this requirement.

Among other penalties, existing law requires a juvenile court to order a child who is adjudicated to be in need of supervision because the child is a habitual truant to pay a fine or perform community service, or both. (NRS 62E.430) **Section 5** of this bill: (1) removes the requirement that the court order the child to perform community service under certain circumstances; and (2) authorizes the juvenile court to order the child to perform community service or attend or participate in counseling or psychological treatment in lieu of all or part of the fine ordered by the court.

Existing law authorizes a juvenile court to order a child who is adjudicated delinquent for an unlawful act involving the killing or possession of certain animals to order the child to: (1) pay a fine; or (2) perform community service, if the child is unable to pay the fine because of financial hardship. (NRS 62E.685) **Section 10** of this bill authorizes a juvenile court to alternatively order the child to attend or participate in counseling or psychological treatment, if the child is unable to pay the fine because of financial hardship.

Existing law requires a juvenile court to order a delinquent child or the parent or guardian of such a child to provide restitution to: (1) certain victims who incur medical expenses as a result of certain unlawful acts; and (2) persons who own or possess property damaged or destroyed as a result of such acts. If, because of financial hardship, a child, parent or guardian is unable to provide such restitution, existing law requires the juvenile court to order the child, parent or guardian, or both, to perform community service. (NRS 62E.560) **Section 7** of this bill authorizes a juvenile court to alternatively order a delinquent child to attend or participate in counseling or psychological treatment if the child, parent or guardian is unable to provide restitution because of financial hardship. **Section 7** also prohibits the juvenile court from ordering a child, parent or guardian to: (1) perform community service if an opportunity to perform community service is not reasonably available; or (2) participate in counseling or psychological treatment if the child, parent or guardian is required to pay the costs associated with attending or participating in the counseling or treatment.

Among other penalties, existing law requires a juvenile court to order a child who is adjudicated delinquent because the child unlawfully handled or possessed a firearm or had a firearm under his or her control to perform a certain number of hours of community service. (NRS 62E.650) **Section 9** of this bill: (1) removes the requirement for the juvenile court to order the child to perform community service; and (2) authorizes the juvenile court to order the child to perform community service or to attend or participate in counseling or psychological treatment. **Section 9** also prescribes certain limitations on the combined total number of hours a juvenile court may order a child to perform community service or attend or participate in counseling or psychological treatment.

Section 11 authorizes a juvenile court to order a child who is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing certain



property to perform community service or participate in counseling or psychological treatment. **Section 11** also prescribes certain limitations on the combined total number of hours a juvenile court may order a child to perform community service or attend or participate in counseling or psychological treatment.

If a child is found to have committed a minor traffic offense, existing law authorizes a juvenile court to order the child to pay a fine, among other penalties. If, due to financial hardship, the child is unable to pay the fine, existing law authorizes the court to order the child to perform community service. (NRS 62E.700) **Section 12** of this bill additionally authorizes the juvenile court to order such a child to attend or participate in counseling or psychological treatment.

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

Section 1. NRS 62A.060 is hereby amended to read as follows:

62A.060 ~~[.]~~ "Community service" means community service performed in accordance with NRS 62E.190 ~~[.]~~

~~—2. The term] and includes, [but is not limited to, public]~~
without limitation:

1. *Public* service ~~[, work]~~ ;
2. *Work* on public projects ~~[, supervised]~~ ;
3. *Supervised* work for the benefit of the community ; or ~~[any]~~
4. *Any* other work *or activity* required by the juvenile court ~~[.]~~,
including, without limitation, participation in tutoring or extracurricular activities.

Sec. 2. NRS 62C.210 is hereby amended to read as follows:

62C.210 1. An agreement for informal supervision may require the child to:

(a) Perform community service, provide restitution to any victim of the acts for which the child was referred to the probation officer or make a monetary contribution to a restitution contribution fund established pursuant to NRS 62E.175;

(b) Participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

- (1) Is 14 years of age or older;
- (2) Has never been found to be within the purview of this title for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the probation officer determines that the child would benefit from the program;

(3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work;



(c) Complete a program of cognitive training and human development pursuant to NRS 62E.220 if:

(1) The child has never been found to be within the purview of this title; and

(2) The unlawful act for which the child is found to be within the purview of this title did not involve the use or threatened use of force or violence against a victim; ~~for~~

(d) *Attend or participate in counseling or psychological treatment; or*

(e) Engage in any combination of the activities set forth in this subsection.

2. If the agreement for informal supervision requires the child to participate in a program of restitution through work or complete a program of cognitive training and human development, the child or the parent or guardian of the child must not be required to pay the costs associated with the participation of the child in the program. Unless the parent or guardian of the child signs a waiver of liability, the program or the entity for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.

Sec. 3. NRS 62E.173 is hereby amended to read as follows:

62E.173 1. If a child commits an alcohol or marijuana offense:

(a) For a first or second offense:

(1) The child is a child in need of supervision and is not a delinquent child, and the child must be placed under informal supervision pursuant to NRS 62C.200; and

(2) The *juvenile court may order the* child ~~[shall]~~ *to perform community service or attend or participate in counseling or psychological treatment for a combined total of* not more than 24 hours. ~~[of community service.]~~

(b) For a third or subsequent offense, a district attorney may file a petition alleging delinquency.

2. As used in this section, "alcohol or marijuana offense" means:

(a) A violation of NRS 202.020;

(b) A violation of a city or county ordinance relating to the consumption or possession of alcohol;

(c) A violation of subsection 4 of NRS 453.336 for possession of 1 ounce or less of marijuana; or

(d) A violation of a city or county ordinance relating to the possession of 1 ounce or less of marijuana.



Sec. 4. NRS 62E.190 is hereby amended to read as follows:

62E.190 1. If the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service pursuant to the provisions of this title, the child or parent or guardian of the child, or both, must perform the community service for and under the supervising authority of ~~{a}~~:

(a) A county, city, town or other political subdivision or agency of the State of Nevada ;

(b) *The child's school of attendance or the school at which the child participates in tutoring or extracurricular activities;* or ~~{a}~~

(c) A charitable organization that renders service to the community or its residents, including, ~~{but not limited to:~~

~~—(a)} without limitation:~~

(1) A public organization that works on public projects;

~~{(b)}~~ (2) A public agency that works on projects to eradicate graffiti; or

~~{(c)}~~ (3) A private nonprofit organization that performs other community service.

2. The person or entity who supervises the community service shall make such reports to the juvenile court as the juvenile court may require.

Sec. 5. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. ~~{H}~~ *Except as otherwise provided in subsection 2, if* a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~{:~~

~~—(I) The} the~~ child to pay a fine of not more than \$100 or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine; ~~{or~~

~~—(II) The child to perform not less than 8 hours but not more than 16 hours of community service;}~~ and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:



1 (1) Order ~~[-~~
2 ~~----- (I) The~~ *the* child to pay a fine of not more than \$200 or,
3 if the parent or guardian of the child knowingly induced the child to
4 be a habitual truant, order the parent or guardian to pay the fine;
5 ~~[(II) The child to perform not more than 10 hours of~~
6 ~~community service; or~~
7 ~~----- (III) Compliance with the requirements set forth in both~~
8 ~~sub-subparagraphs (I) and (II);]~~ and

9 (2) If the child is 14 years of age or older, order the
10 suspension of the driver's license of the child for at least 60 days but
11 not more than 1 year. If the child does not possess a driver's license,
12 the juvenile court shall prohibit the child from applying for a
13 driver's license for 60 days:

14 (I) Immediately following the date of the order if the child
15 is eligible to apply for a driver's license; or

16 (II) After the date the child becomes eligible to apply for
17 a driver's license if the child is not eligible to apply for a driver's
18 license.

19 2. *The juvenile court may, in lieu of all or part of a fine*
20 *ordered pursuant to:*

21 *(a) Paragraph (a) of subsection 1, order the child to perform*
22 *community service or attend or participate in counseling or*
23 *psychological treatment for a combined total of not more than 10*
24 *hours.*

25 *(b) Paragraph (b) of subsection 1, order the child to perform*
26 *community service or attend or participate in counseling or*
27 *psychological treatment for a combined total of not more than 16*
28 *hours.*

29 3. The juvenile court may suspend the payment of a fine
30 ordered pursuant to paragraph (a) of subsection 1 if the child attends
31 school for 60 consecutive school days, or its equivalent in a school
32 district operating under an alternative schedule authorized pursuant
33 to NRS 388.090, after the imposition of the fine, or has a valid
34 excuse acceptable to the child's teacher or the principal for any
35 absence from school within that period.

36 ~~[-]~~ 4. The juvenile court may suspend the payment of a fine
37 ordered pursuant to this section if the parent or guardian of a child is
38 ordered to pay a fine by another court of competent jurisdiction in a
39 case relating to or arising out of the same circumstances that caused
40 the juvenile court to adjudicate the child in need of supervision.

41 ~~[- The]~~

42 5. Any community service ordered pursuant to ~~[-this section]~~
43 *subsection 2* must be performed at the child's school of attendance,
44 if practicable.



Sec. 6. NRS 62E.440 is hereby amended to read as follows:

62E.440 1. If a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of \$25; and

(2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of \$50; and

(2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

(1) The child to pay a fine of \$75;

(2) The child to attend and complete a tobacco awareness and cessation program; and

(3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the juvenile court orders a child to pay a fine pursuant to this section and the child willfully fails to pay the fine, the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

➡ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile



1 court ~~shall~~ *may* order the additional suspension or delay, as
2 appropriate, to apply consecutively with the previous order.

3 3. If the juvenile court suspends the driver's license of a child
4 pursuant to this section, the juvenile court may order the Department
5 of Motor Vehicles to issue a restricted driver's license pursuant to
6 NRS 483.490 permitting the child to drive a motor vehicle:

7 (a) To and from work or in the course of his or her work, or
8 both;

9 (b) To and from school; or

10 (c) To acquire supplies of medicine or food or receive regularly
11 scheduled medical care for himself, herself or a member of his or
12 her immediate family.

13 **Sec. 7.** NRS 62E.560 is hereby amended to read as follows:

14 62E.560 1. If a delinquent child has committed an unlawful
15 act that causes physical injury to a victim of the act, the juvenile
16 court shall order the child to provide restitution to the victim for
17 medical expenses incurred as a result of the act.

18 2. If a delinquent child has committed an unlawful act that
19 damaged or destroyed property owned or possessed by another
20 person, the juvenile court shall order the child to provide restitution
21 to the person who owns or possesses the property.

22 3. If the child is not able to provide restitution pursuant to this
23 section, the juvenile court shall order the parent or guardian of the
24 child to provide restitution, unless the juvenile court determines that
25 extenuating circumstances exist.

26 4. ~~If,~~ *Except as otherwise provided in subsection 5, if,*
27 because of financial hardship, a delinquent child or the parent or
28 guardian of the child, or both, are unable to provide restitution
29 pursuant to this section, the juvenile court shall order ~~the~~ :

30 (a) *The* child or the parent or guardian of the child, or both, to
31 perform community service ~~;~~ ; or

32 (b) *The child to attend or participate in counseling or*
33 *psychological treatment.*

34 5. *The juvenile court shall not order:*

35 (a) *A child, parent or guardian to perform community service*
36 *pursuant to subsection 4 if an opportunity to perform community*
37 *service in accordance with NRS 62E.190 is not reasonably*
38 *available to the child, parent or guardian, as applicable.*

39 (b) *A child to attend or participate in counseling or*
40 *psychological treatment pursuant to subsection 4 if the child,*
41 *parent or guardian is required to pay the costs associated with*
42 *attending or participating in the counseling or psychological*
43 *treatment.*



Sec. 8. NRS 62E.630 is hereby amended to read as follows:

62E.630 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of using, possessing, selling or distributing a controlled substance, or purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020, the juvenile court shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 90 days but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a driver's license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court ~~{shall}~~ **may** order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court finds that a suspension or delay in the issuance of the driver's license of a child pursuant to this section would cause or is causing a severe or undue hardship to the child or his or her immediate family and that the child is otherwise eligible to receive a driver's license, the juvenile court may order the Department of Motor Vehicles to issue a restricted driver's license to the child pursuant to NRS 483.490.

4. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 3, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.

Sec. 9. NRS 62E.650 is hereby amended to read as follows:

62E.650 1. If a child is adjudicated delinquent because the child handled or possessed a firearm or had a firearm under his or her control in violation of NRS 202.300, the juvenile court shall:

(a) For the first offense ~~⌈~~

~~—(1) Order the child to perform 200 hours of community service; and~~

~~—(2) Issue⌋~~, **issue** an order suspending the driver's license of the child for not more than 1 year or, if the child does not possess a



driver's license, prohibit the child from receiving a driver's license for not more than 1 year:

~~(1)~~ (1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

~~(2)~~ (2) After the date the child becomes eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

(b) For the second offense ~~:~~

~~— (1) Order the child to perform at least 200 hours but not more than 600 hours of community service; and~~

~~— (2) Issue~~, *issue* an order suspending the driver's license of the child for at least 90 days but not more than 2 years or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

~~(1)~~ (1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

~~(2)~~ (2) After the date the child becomes eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court ~~[shall]~~ *may* order an additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. In addition to the penalties prescribed by subsection 1, the juvenile court may order the child to perform community service or attend or participate in counseling or psychological treatment for a combined total of not more than:

(a) Fifty hours, for the first offense.

(b) Two hundred hours, for the second offense.

Sec. 10. NRS 62E.685 is hereby amended to read as follows:

62E.685 If a child is adjudicated delinquent for an unlawful act involving the killing or possession of certain animals in violation of NRS 501.376, the juvenile court may do any or all of the following:

1. Order the child to pay a fine. If, because of financial hardship, the child is unable to pay the fine, the juvenile court may order the child to perform community service ~~or~~ *or attend or participate in counseling or psychological treatment.*

2. Order the child or the parent or guardian of the child, or both, to pay a civil penalty pursuant to NRS 501.3855.

3. Order that any license issued to the child pursuant to chapter 502 of NRS be revoked by the Department of Wildlife. The juvenile court shall order the child to surrender to the court any license issued to the child pursuant to chapter 502 of NRS then held by the child and, not later than 5 days after issuing the order, forward to the



Department of Wildlife any license surrendered by the child and a copy of the order.

4. Order that the child must not receive a license to hunt, fish or trap within the 2 years immediately following the date of the order or until the child is 18 years of age, whichever is later.

5. Order the child placed on probation and impose such conditions as the juvenile court deems proper.

Sec. 11. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 or for the unlawful act of carrying a graffiti implement in certain places without valid authorization in violation of NRS 206.335, the juvenile court shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 1 year but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least 1 year but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a driver's license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court ~~{shall}~~ *may* order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. In addition to the penalties prescribed by subsection 1, the juvenile court may order the child to perform community service or attend or participate in counseling or psychological treatment for a combined total of not more than:

(a) Fifty hours, for the first offense.

(b) One hundred hours, for the second offense.

(c) Two hundred hours, for the third or subsequent offense.

Sec. 12. NRS 62E.700 is hereby amended to read as follows:

62E.700 1. If a child is found to have committed a minor traffic offense, the juvenile court may do any or all of the following:

(a) Order the child to pay a fine. If, because of financial hardship, the child is unable to pay the fine, the juvenile court may



1 order the child to perform community service ~~or~~ *or attend or*
2 *participate in counseling or psychological treatment.*

3 (b) Recommend to the Department of Motor Vehicles the
4 suspension of the driver's license of the child.

5 (c) Order the child to attend and complete a traffic survival
6 course.

7 (d) Order the child or the parent or guardian of the child, or
8 both, to pay the reasonable cost for the child to attend the traffic
9 survival course.

10 (e) Order the child placed on probation and impose such
11 conditions as the juvenile court deems proper.

12 2. The juvenile court shall forward to the Department of Motor
13 Vehicles, in the form required by NRS 483.450, a record of the
14 minor traffic offense, unless the offense involved a violation of a
15 law or ordinance governing standing or parking.

16 3. As used in this section, "juvenile court" means:

17 (a) The juvenile court; or

18 (b) The Justice Court or municipal court if the juvenile court has
19 transferred the case and record to the Justice Court or municipal
20 court pursuant to NRS 62B.380.

