

SENATE BILL No. 415—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juvenile probation.
(BDR 5-317)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to juvenile justice; setting forth the circumstances in which a juvenile court may place a child on probation; limiting the period of time during which a juvenile court may place a child on probation; authorizing, under circumstances, a juvenile court to extend the probation of a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, with certain exceptions, that a juvenile court has exclusive jurisdiction over a child who is alleged to have committed a delinquent act. (NRS 62B.330)

Section 1 of this bill: (1) authorizes a juvenile court to place a child on probation under certain circumstances; and (2) prohibits, with certain exceptions, a juvenile court from placing a child on probation for a period of more than 18 months. **Section 1** further authorizes a juvenile court to order one or more extensions of the probation of a child if the juvenile court finds, based on a preponderance of evidence presented at a hearing on the matter, that such an extension is advisable, considering the individualized case plan developed for the child. With certain exceptions, **section 1** provides that no single extension of probation of a child may be for a period of more than 6 months. With certain exceptions, **section 1** prohibits a juvenile court from extending the probation of any child if the extension results in the child being on probation for a total period of more than 36 months. Finally, **section 1** sets forth certain requirements concerning any hearing conducted by a juvenile court relating to the extension of the probation of a child.



* S B 4 1 5 R 1 *

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

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

1. A juvenile court may place a child on probation in accordance with the provisions of this section.

2. The juvenile court shall consider the report prepared by the department of juvenile justice services pursuant to NRS 62E.506 when determining whether to place a child on probation and the period of any such probation.

3. Except as otherwise provided in this section or as expressly authorized by specific statute or federal law:

(a) A juvenile court shall not place a child on probation for a period of more than 18 months for each unlawful act for which the child is adjudicated delinquent, placed under the supervision of the juvenile court pursuant to a supervision and consent decree, or placed under informal supervision. The provisions of this paragraph do not apply to a violation of probation or parole.

(b) A juvenile court may order one or more extensions of the probation of a child if the juvenile court finds, based on a preponderance of evidence presented at a hearing on the matter, that such an extension is advisable, considering the individualized case plan for the child developed pursuant to NRS 62E.507. Except as otherwise authorized by specific statute or federal law, no single extension of the probation of a child may be for a period of more than 6 months.

(c) A juvenile court may not extend the probation of any child if the extension results in the child being on probation for a total period of more than 36 months for each unlawful act for which the child is subject to the jurisdiction of the juvenile court, unless the act relates to a violation of the conditions of probation.

4. A juvenile court may extend the probation of a child beyond the period prescribed by paragraph (c) of subsection 3 if the child, the parent or guardian of the child, the attorney for the child, the probation officer of the child and the district attorney agree to the extension.

5. Notice of any hearing by a juvenile court relating to the extension of the probation of a child must be given to the child, the parent or guardian of the child, the attorney for the child and the probation officer of the child.



6. *At any hearing of a juvenile court relating to the extension of the probation of a child, the juvenile court must:*

(a) *Allow the parties a reasonable opportunity to present evidence and testimony; and*

(b) *Consider the:*

(1) *Report of the probation officer of the child relating to the issue of whether the juvenile court should extend the probation of the child;*

(2) *Report prepared by the department of juvenile justice services pursuant to NRS 62E.506; and*

(3) *Individualized case plan for the child developed pursuant to NRS 62E.507.*

7. *The period of probation of a child is tolled during any period in which a writ of attachment is issued for the child pursuant to NRS 62C.010.*

8. *Notwithstanding the termination of any period of probation ordered by the juvenile court, the juvenile court retains jurisdiction in accordance with the provisions of NRS 62B.420.*

Sec. 2. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~§~~, *and section 1 of this act:*

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, *and section 1 of this act* that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

