

---

---

ASSEMBLY BILL NO. 124—ASSEMBLYMEN DIAZ, CARRILLO, ELLIOT  
ANDERSON, KIRKPATRICK, OHRENSCHALL; ARAUJO,  
BUSTAMANTE ADAMS, CARLTON, DICKMAN, FLORES,  
JOINER, NEAL, SPRINKLE, SWANK AND THOMPSON

FEBRUARY 6, 2015

---

JOINT SPONSOR: SENATOR DENIS

---

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juvenile justice.  
(BDR 5-182)

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 juveniles; revising the minimum age at which a  
child may be adjudicated and punished as a delinquent  
child; and providing other matters properly relating  
thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that a juvenile court may adjudicate a child to be a  
2 delinquent child if the child has committed certain acts designated as criminal  
3 offenses. (NRS 62A.070, 62B.330) Under existing law, the minimum age at which  
4 a child may be adjudicated and punished as a delinquent child is 8 years of age.  
5 (NRS 62E.520, 63.440, 194.010) This bill raises the minimum age at which a child  
6 may be adjudicated and punished as a delinquent child to 10 years of age.

---

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

1 **Section 1.** NRS 62A.070 is hereby amended to read as  
2 follows:

3 62A.070 “Delinquent child” means a child *who is at least 10*  
4 *years of age and* who is adjudicated delinquent pursuant to the  
5 provisions of this title.



1       **Sec. 2.** NRS 62E.520 is hereby amended to read as follows:

2       62E.520 1. The juvenile court may commit a delinquent child  
3 to the custody of the Division of Child and Family Services for  
4 suitable placement if:

5       (a) The child is at least ~~8~~ 10 years of age but less than 12 years  
6 of age, and the juvenile court finds that the child is in need of  
7 placement in a correctional or institutional facility; or

8       (b) The child is at least 12 years of age but less than 18 years of  
9 age, and the juvenile court finds that the child:

10       (1) Is in need of placement in a correctional or institutional  
11 facility; and

12       (2) Is in need of residential psychiatric services or other  
13 residential services for the mental health of the child.

14       2. Before the juvenile court commits a delinquent child to the  
15 custody of the Division of Child and Family Services, the juvenile  
16 court shall:

17       (a) Notify the Division at least 3 working days before the  
18 juvenile court holds a hearing to consider such a commitment; and

19       (b) At the request of the Division, provide the Division with not  
20 more than 10 working days within which to:

21       (1) Investigate the child and the circumstances of the child;  
22 and

23       (2) Recommend a suitable placement to the juvenile court.

24       **Sec. 3.** NRS 63.440 is hereby amended to read as follows:

25       63.440 1. Except as otherwise provided in chapter 62E of  
26 NRS, if the juvenile court commits a delinquent child to the custody  
27 of the Division of Child and Family Services, the Division may,  
28 within the limits of legislative appropriation:

29       (a) If the child is at least ~~8~~ 10 years of age but less than 12  
30 years of age, place the child in any public or private institution or  
31 agency which is located within or outside this state and which is  
32 authorized to care for children. The child must not be placed in a  
33 facility.

34       (b) If the child is at least 12 years of age but less than 18 years  
35 of age, place the child in a facility or in any public or private  
36 institution or agency which is located within or outside this state and  
37 which is authorized to care for children.

38       2. The Division of Child and Family Services may change the  
39 placement of the child from any public or private institution or  
40 agency that is authorized to care for the child pursuant to this  
41 section to another public or private institution or agency that is  
42 authorized to care for the child pursuant to this section.

43       3. Before the Division of Child and Family Services may  
44 change any placement authorized by this section, the Division shall:



- 1 (a) Notify the parent or guardian of the child; and
- 2 (b) Obtain the approval of the juvenile court.

3 **Sec. 4.** NRS 194.010 is hereby amended to read as follows:

4 194.010 All persons are liable to punishment except those  
5 belonging to the following classes:

6 1. Children under the age of ~~8~~ 10 years.

7 2. Children between the ages of ~~8~~ 10 years and 14 years, in  
8 the absence of clear proof that at the time of committing the act  
9 charged against them they knew its wrongfulness.

10 3. Persons who committed the act charged or made the  
11 omission charged in a state of insanity.

12 4. Persons who committed the act or made the omission  
13 charged under an ignorance or mistake of fact, which disproves any  
14 criminal intent, where a specific intent is required to constitute the  
15 offense.

16 5. Persons who committed the act charged without being  
17 conscious thereof.

18 6. Persons who committed the act or made the omission  
19 charged, through misfortune or by accident, when it appears that  
20 there was no evil design, intention or culpable negligence.

21 7. Persons, unless the crime is punishable with death, who  
22 committed the act or made the omission charged under threats or  
23 menaces sufficient to show that they had reasonable cause to  
24 believe, and did believe, their lives would be endangered if they  
25 refused, or that they would suffer great bodily harm.

