

ASSEMBLY BILL NO. 213—ASSEMBLYMAN OHRENSCHALL

MARCH 3, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding juvenile justice. (BDR 5-842)

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 a child who is charged with a crime as an adult and who is confined or detained during the pendency of the proceeding to be placed in a facility for the detention of children unless good cause is otherwise shown; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, during the pendency of a proceeding, a child who is
2 charged with a crime which is excluded from the original jurisdiction of the
3 juvenile court or is certified for criminal proceedings as an adult may petition the
4 court for temporary placement in a facility for the detention of children. (NRS
5 62C.030) This bill requires such a child to be detained in a facility for the detention
6 of children unless, upon motion by the prosecuting attorney and for good cause
7 shown, the juvenile court orders that the child be detained in an adult facility.

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

1 **Section 1.** NRS 62C.030 is hereby amended to read as
2 follows:

3 62C.030 1. If a child is not alleged to be delinquent or in
4 need of supervision, the child must not, at any time, be confined or
5 detained in:

- 6 (a) A facility for the secure detention of children; or
- 7 (b) Any police station, lockup, jail, prison or other facility in
- 8 which adults are detained or confined.



1 2. If a child is alleged to be delinquent or in need of
2 supervision, the child must not, before disposition of the case, be
3 detained in a facility for the secure detention of children unless there
4 is probable cause to believe that:

5 (a) If the child is not detained, the child is likely to commit an
6 offense dangerous to the child or to the community, or likely to
7 commit damage to property;

8 (b) The child will run away or be taken away so as to be
9 unavailable for proceedings of the juvenile court or to its officers;

10 (c) The child was taken into custody and brought before a
11 probation officer pursuant to a court order or warrant; or

12 (d) The child is a fugitive from another jurisdiction.

13 3. If a child is less than 18 years of age, the child must not, at
14 any time, be confined or detained in any police station, lockup, jail,
15 prison or other facility where the child has regular contact with any
16 adult who is confined or detained in the facility and who has been
17 convicted of a criminal offense or charged with a criminal offense,
18 unless:

19 (a) The child is alleged to be delinquent;

20 (b) An alternative facility is not available; and

21 (c) The child is separated by sight and sound from any adults
22 who are confined or detained in the facility.

23 4. ~~During~~ *Except as otherwise provided in this subsection,*
24 *during* the pendency of a proceeding involving:

25 (a) A criminal offense excluded from the original jurisdiction of
26 the juvenile court pursuant to NRS 62B.330; or

27 (b) A child who is certified for criminal proceedings as an adult
28 pursuant to NRS 62B.390,

29 ~~↳ [a child may petition the juvenile court for temporary placement~~
30 ~~in a facility for the detention of children.]~~ *a person who is less than*
31 *18 years of age and who is confined or detained during the*
32 *pendency of the proceeding must be confined or detained in a*
33 *facility for the detention of children. The juvenile court may, upon*
34 *motion by the prosecuting attorney and for good cause shown,*
35 *order that the person be confined or detained in a lockup, jail,*
36 *prison or other facility in which adults are detained or confined.*

