

SENATE BILL NO. 205—COMMITTEE ON JUDICIARY

FEBRUARY 25, 2003

Referred to Committee on Judiciary

SUMMARY—Prohibits impairment of minor by use of alcoholic beverage. (BDR 15-1030)

FISCAL NOTE: Effect on Local Government: Yes.
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 juveniles; prohibiting the impairment of a minor by the use of any alcoholic beverage; requiring the suspension of the driver's license of a minor who is found guilty of being impaired by the use of any alcoholic beverage; requiring an evaluation of such a minor to determine if the minor is an abuser of alcohol or other drugs; requiring such a minor to undergo a program of treatment as recommended by the person who conducted the evaluation; providing penalties; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 202.020 is hereby amended to read as follows:
2 202.020 1. Any ~~person under 21 years of age~~ *minor* who
3 purchases any alcoholic beverage or ~~any such person~~ who
4 consumes any alcoholic beverage in any saloon, resort or premises
5 where spirituous, malt or fermented liquors or wines are sold is
6 guilty of a misdemeanor.
7 2. Any ~~person under 21 years of age~~ *minor* who, for any
8 reason, possesses any alcoholic beverage in public is guilty of a
9 misdemeanor.
10 3. *Any minor who is impaired to any degree by the use of an*
11 *alcoholic beverage is guilty of a misdemeanor.*



* S B 2 0 5 R 1 *

1 4. This section does not preclude a local governmental entity
2 from enacting by ordinance an additional or broader restriction.

3 ~~[4.]~~ 5. For the purposes of this section ~~[, possession]~~ :
4 (a) *“Impairment” means any observable signs or symptoms*
5 *commonly associated with the use of alcoholic beverages.*

6 (b) *“Impairment” does not include:*
7 (1) *Impairment for an established religious purpose;*
8 (2) *Impairment in the presence of the minor’s parent,*
9 *spouse or legal guardian who is 21 years of age or older; or*
10 (3) *Impairment in accordance with a prescription issued by*
11 *a person statutorily authorized to issue prescriptions.*

12 (c) *Possession “in public”* includes possession:
13 ~~[(a)]~~ (1) On any street or highway;
14 ~~[(b)]~~ (2) In any place open to the public; and
15 ~~[(e)]~~ (3) In any private business establishment which is in
16 effect open to the public.

17 ~~[5.—The term]~~
18 (d) *Possession “in public”* does not include:
19 ~~[(a)]~~ (1) Possession for an established religious purpose;
20 ~~[(b)]~~ (2) Possession in the presence of the ~~[person’s]~~ *minor’s*
21 *parent, spouse or legal guardian who is 21 years of age or older;*
22 ~~[(e)]~~ (3) Possession in accordance with a prescription issued
23 by a person statutorily authorized to issue prescriptions;
24 ~~[(d)]~~ (4) Possession in private clubs or private
25 establishments; or
26 ~~[(e)]~~ (5) The selling, handling, serving or transporting of
27 alcoholic beverages by a ~~[person]~~ *minor* in the course of his lawful
28 employment by a licensed manufacturer, wholesaler or retailer of
29 alcoholic beverages.

30 (e) *“Minor” means a person who is older than 7 years of age*
31 *and under 21 years of age.*

32 **Sec. 2.** NRS 62.2255 is hereby amended to read as follows:
33 62.2255 1. Except as otherwise provided in subsection 3 and
34 NRS 62.227, whenever a child is found to have committed the
35 unlawful act of:

36 (a) Using, possessing, selling or distributing a controlled
37 substance; or
38 (b) Purchasing, consuming , ~~[or]~~ possessing *or being impaired*
39 *by the use of* an alcoholic beverage in violation of
40 NRS 202.020,
41 the judge, or his authorized representative, shall, if the child
42 possesses a driver’s license, issue an order suspending the driver’s
43 license of the child for at least 90 days but not more than 2 years.
44 The judge shall require the child to surrender his driver’s license to
45 the court.



1 2. If the child does not possess a driver's license and the child
2 is or will be eligible to receive a driver's license within the 2 years
3 immediately following the date of the order, the judge, or his
4 authorized representative, shall issue an order prohibiting the child
5 from receiving a driver's license for a period specified by the court
6 which must be at least 90 days but not more than 2 years:

- 7 (a) Immediately following the date of the order, if the child is
8 eligible to receive a driver's license; or
9 (b) After the date the child will be eligible to receive a driver's
10 license, if the child is not eligible to receive a license on the date of
11 the order.

12 3. If a child is already the subject of a court order suspending
13 or delaying the issuance of his driver's license, the court shall order
14 the additional suspension or delay, as appropriate, to apply
15 consecutively with the previous order.

16 **Sec. 3.** NRS 62.2275 is hereby amended to read as follows:

17 62.2275 1. If a child within the jurisdiction of the juvenile
18 court is found by the juvenile court to have committed:

- 19 (a) An unlawful act in violation of NRS 484.379 or 484.3795;
20 (b) The unlawful act of using, possessing, selling or distributing
21 a controlled substance; or
22 (c) The unlawful act of purchasing, consuming, ~~or~~ possessing
23 *or being impaired by the use of* an alcoholic beverage in violation
24 of NRS 202.020,
25 the judge, or his authorized representative, shall require the child to
26 undergo an evaluation to determine if the child is an abuser of
27 alcohol or other drugs.

28 2. The evaluation of a child pursuant to this section:

- 29 (a) Must be conducted by:
30 (1) An alcohol and drug abuse counselor who is licensed or
31 certified or an alcohol and drug abuse counselor intern who is
32 certified pursuant to chapter 641C of NRS to make that
33 classification; or
34 (2) A physician who is certified to make that classification
35 by the Board of Medical Examiners,
36 who shall report to the judge the results of the evaluation and make
37 a recommendation to the judge concerning the length and type of
38 treatment required by the child.

39 (b) May be conducted at an evaluation center.

40 3. The judge shall:

41 (a) Order the child to undergo a program of treatment as
42 recommended by the person who conducted the evaluation pursuant
43 to subsection 2.

44 (b) Require the treatment facility to submit monthly reports on
45 the treatment of the child pursuant to this section.



1 (c) Order the child, if he is at least 18 years of age or an
2 emancipated minor, or the parent or legal guardian of the child, to
3 the extent of the financial resources of the child or his parent or
4 legal guardian, to pay any charges relating to the evaluation and
5 treatment of the child pursuant to this section. If the child, or his
6 parent or legal guardian, does not have the financial resources to pay
7 all those charges:

8 (1) The judge shall, to the extent possible, arrange for the
9 child to receive treatment from a treatment facility which receives a
10 sufficient amount of federal or state money to offset the remainder
11 of the costs; and

12 (2) The judge may order the child to perform supervised
13 community service in lieu of paying the charges relating to his
14 evaluation and treatment. The community service must be
15 performed for and under the supervising authority of a county, city,
16 town or other political subdivision or agency of the State of Nevada
17 or a charitable organization that renders service to the community or
18 its residents. The court may require the child or his parent or legal
19 guardian to deposit with the court a reasonable sum of money to pay
20 for the cost of policies of insurance against liability for personal
21 injury and damage to property or for industrial insurance, or both,
22 during those periods in which the child performs the community
23 service, unless, in the case of industrial insurance, it is provided by
24 the authority for which he performs the community service.

25 4. A treatment facility is not liable for any damages to person
26 or property caused by a child who:

27 (a) Drives, operates or is in actual physical control of a vehicle
28 or a vessel under power or sail while under the influence of
29 intoxicating liquor or a controlled substance; or

30 (b) Engages in any other conduct prohibited by NRS 484.379,
31 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420
32 or a law of any other jurisdiction that prohibits the same or similar
33 conduct,

34 after the treatment facility has certified to his successful completion
35 of a program of treatment ordered pursuant to this section.

36 5. The provisions of this section do not prohibit a judge from:

37 (a) Requiring an evaluation to be conducted by a person who is
38 employed by a private company if the company meets the standards
39 of the Health Division of the Department of Human Resources. The
40 evaluation may be conducted at an evaluation center pursuant to
41 paragraph (b) of subsection 2.

42 (b) Ordering the child to attend a program of treatment which is
43 administered by a private company.

44 6. All information relating to the evaluation or treatment of a
45 child pursuant to this section is confidential and, except as otherwise



1 authorized by the provisions of this chapter or the juvenile court,
2 must not be disclosed to any person other than the juvenile court,
3 the child and his attorney, if any, his parents or guardian, the
4 prosecuting attorney and any other person for whom the
5 communication of that information is necessary to effectuate
6 the evaluation or treatment of the child. A record of any finding that
7 a child has violated the provisions of NRS 484.379 or 484.3795
8 must be included in the driver's record of that child for 7 years after
9 the date of the offense.

10 7. As used in this section:

11 (a) "Evaluation center" has the meaning ascribed to it in
12 NRS 484.3793.

13 (b) "Treatment facility" has the meaning ascribed to it in
14 NRS 484.3793.

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