

SENATE BILL NO. 339—SENATOR CEGAVSKE

MARCH 17, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to use of tobacco products. (BDR 5-1126)

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

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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 tobacco; prohibiting a minor from falsely representing his age to purchase tobacco products; providing the juvenile division of the district court with jurisdiction over a child who falsely represents his age to purchase tobacco products; providing a penalty; 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.** Chapter 62 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     1. *Except as otherwise provided in subsection 2, a child under*  
4     *the age of 18 years shall not falsely represent that he is 18 years of*  
5     *age or older to purchase or obtain cigarettes, cigarette paper,*  
6     *tobacco of any description or products made from tobacco.*  
7     2. *The provisions of this section do not apply to a child*  
8     *assisting in an inspection pursuant to NRS 202.2496.*  
9     **Sec. 2.** NRS 62.040 is hereby amended to read as follows:  
10    62.040 1. Except if the child involved is subject to the  
11    exclusive jurisdiction of an Indian tribe, and except as otherwise  
12    provided in this chapter, the court has exclusive original jurisdiction  
13    in proceedings:  
14    (a) Concerning any child living or found within the county who  
15    is in need of supervision because he:



\* S B 3 3 9 R 1 \*

1 (1) Is a child who is subject to compulsory school attendance  
2 and is a habitual truant from school;  
3 (2) *Engages in an act described in section 1 of this act;*  
4 (3) Habitually disobeys the reasonable and lawful demands  
5 of his parents, guardian or other custodian, and is unmanageable; or  
6 ~~(3)~~ (4) Deserts, abandons or runs away from his home or  
7 usual place of abode,  
8 and is in need of care or rehabilitation. ~~The~~ A child *who is in need*  
9 *of supervision pursuant to this paragraph* must not be considered a  
10 delinquent.

11 (b) Concerning any child living or found within the county who  
12 has committed a delinquent act. A child commits a delinquent act if  
13 he violates a county or municipal ordinance or any rule or regulation  
14 having the force of law, or he commits an act designated a crime  
15 under the law of the State of Nevada.

16 (c) Concerning any child in need of commitment to an  
17 institution for the mentally retarded.

18 2. For the purposes of subsection 1, each of the following acts  
19 shall be deemed not to be a delinquent act, and the court does not  
20 have jurisdiction of a person who is charged with committing such  
21 an act:

22 (a) Murder or attempted murder and any other related offense  
23 arising out of the same facts as the murder or attempted murder,  
24 regardless of the nature of the related offense.

25 (b) Sexual assault or attempted sexual assault involving the use  
26 or threatened use of force or violence against the victim and any  
27 other related offense arising out of the same facts as the sexual  
28 assault or attempted sexual assault, regardless of the nature of the  
29 related offense, if:

30 (1) The person was 16 years of age or older when the sexual  
31 assault or attempted sexual assault was committed; and

32 (2) Before the sexual assault or attempted sexual assault was  
33 committed, the person previously had been adjudicated delinquent  
34 for an act that would have been a felony if committed by an adult.

35 (c) An offense or attempted offense involving the use or  
36 threatened use of a firearm and any other related offense arising out  
37 of the same facts as the offense or attempted offense involving the  
38 use or threatened use of a firearm, regardless of the nature of the  
39 related offense, if:

40 (1) The person was 16 years of age or older when the offense  
41 or attempted offense involving the use or threatened use of a firearm  
42 was committed; and

43 (2) Before the offense or attempted offense involving the use  
44 or threatened use of a firearm was committed, the person previously



1 had been adjudicated delinquent for an act that would have been a  
2 felony if committed by an adult.

3 (d) A felony resulting in death or substantial bodily harm to the  
4 victim and any other related offense arising out of the same facts as  
5 the felony, regardless of the nature of the related offense, if:

6 (1) The felony was committed on the property of a public or  
7 private school when pupils or employees of the school were present  
8 or may have been present, at an activity sponsored by a public or  
9 private school or on a school bus while the bus was engaged in its  
10 official duties; and

11 (2) The person intended to create a great risk of death or  
12 substantial bodily harm to more than one person by means of a  
13 weapon, device or course of action that would normally be  
14 hazardous to the lives of more than one person.

15 (e) Any other offense if, before the offense was committed, the  
16 person previously had been convicted of a criminal offense.

17 3. If a child is charged with a minor traffic offense, the court  
18 may transfer the case and record to a justice's or municipal court if  
19 the judge determines that it is in the best interest of the child. If a  
20 case is so transferred:

21 (a) The restrictions set forth in subsection 7 of NRS 62.170 are  
22 applicable in those proceedings; and

23 (b) The child must be accompanied at all proceedings by a  
24 parent or legal guardian.

25 With the consent of the judge of the juvenile division, the case may  
26 be transferred back to the juvenile court.

27 4. As used in this section, "school bus" has the meaning  
28 ascribed to it in NRS 483.160.

29 **Sec. 3.** NRS 62.212 is hereby amended to read as follows:

30 62.212 1. Except as otherwise provided in subsection ~~3~~ 4,  
31 if the court finds that a child is within the purview of paragraph (a)  
32 of subsection 1 of NRS 62.040 and has not previously been the  
33 subject of a complaint under NRS 62.128 before committing the acts  
34 for which the petition was filed, the court shall:

35 (a) Admonish the child to obey the law and to refrain from  
36 repeating the acts for which the petition was filed, and maintain a  
37 record of the admonition; and

38 (b) Refer the child, without adjudication, to services available in  
39 the community for counseling, behavioral modification and social  
40 adjustment.

41 2. Except as otherwise provided in subsection ~~3~~ 4, a child  
42 *described in subsection 1* must not be adjudicated to be a child in  
43 need of supervision unless a subsequent petition based upon  
44 additional facts is filed with the court after admonition and referral  
45 pursuant to ~~this subsection.~~



1 ~~2.1~~ *that subsection.*

2 **3.** A child who is:

3 (a) Less than 12 years of age must not be committed to or  
4 otherwise placed in the Nevada Youth Training Center or the  
5 Caliente Youth Center.

6 (b) Not adjudicated to be delinquent must not be committed to  
7 or otherwise placed in the Nevada Youth Training Center, the  
8 Caliente Youth Center or any other facility that provides  
9 correctional care.

10 ~~3.1~~ **4.** The provisions of subsection 1 do not apply to a child  
11 alleged to be in need of supervision because he is a habitual truant.

12 **5.** *In addition to the actions set forth in subsection 1, a court*  
13 *may order a child who engages in an act described in section 1 of*  
14 *this act to perform community service. Community service so*  
15 *ordered must be performed:*

16 (a) *For and under the supervising authority of a county, city,*  
17 *town or other political subdivision or agency of this state or a*  
18 *charitable organization that renders service to the community or*  
19 *its residents; and*

20 (b) *At the child's school of attendance, if practicable.*

