

SENATE BILL NO. 345—SENATOR OHRENSCHALL

MARCH 23, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juvenile justice.  
(BDR 15-91)

FISCAL NOTE: Effect on Local Government: No.  
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 juvenile justice; raising the minimum age at which a child may be punished for a crime or adjudicated delinquent for an act that would be a crime if committed by an adult; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that a child may be adjudicated delinquent for  
2 committing an act that would be a crime if committed by an adult. (NRS 62B.330)  
3 Existing law also provides that all persons may be punished for crimes, with certain  
4 exceptions. Children may not be punished for crimes or adjudicated delinquent for  
5 committing acts that would be crimes if committed by adults, if the children are: (1)  
6 under the age of 8 years; (2) between the ages of 8 years and 10 years, unless they  
7 are charged with murder or certain sexual offenses; or (3) between the ages of 8  
8 years and 14 years, in the absence of clear proof that at the time of committing the  
9 act charged against them they knew its wrongfulness. (NRS 194.010) **Section 1**  
10 of this bill raises the minimum age at which a child may be punished for a crime or  
11 adjudicated delinquent for an act that would be a crime if committed by an adult to  
12 12 years of age. **Sections 2-4** of this bill make conforming changes to reflect the  
13 change in the minimum age at which a child may be punished for a crime or  
14 adjudicated delinquent for committing an act that would be a crime if committed by  
15 an adult.

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

1 **Section 1.** NRS 194.010 is hereby amended to read as follows:  
2 194.010 All persons are liable to punishment except those  
3 belonging to the following classes:



1 1. Children under the age of ~~[8]~~ 12 years.

2 2. ~~[Children between the ages of 8 years and 10 years, unless~~  
3 ~~the child is charged with murder or a sexual offense as defined in~~  
4 ~~NRS 62F.100.~~

5 —~~3.]~~ Children between the ages of ~~[8]~~ 12 years and 14 years, in  
6 the absence of clear proof that at the time of committing the act  
7 charged against them they knew its wrongfulness.

8 ~~[4.]~~ 3. Persons who committed the act charged or made the  
9 omission charged in a state of insanity.

10 ~~[5.]~~ 4. Persons who committed the act or made the omission  
11 charged under an ignorance or mistake of fact, which disproves any  
12 criminal intent, where a specific intent is required to constitute the  
13 offense.

14 ~~[6.]~~ 5. Persons who committed the act charged without being  
15 conscious thereof.

16 ~~[7.]~~ 6. Persons who committed the act or made the omission  
17 charged, through misfortune or by accident, when it appears that  
18 there was no evil design, intention or culpable negligence.

19 ~~[8.]~~ 7. Persons, unless the crime is punishable with death, who  
20 committed the act or made the omission charged under threats or  
21 menaces sufficient to show that they had reasonable cause to  
22 believe, and did believe, their lives would be endangered if they  
23 refused, or that they would suffer great bodily harm.

24 **Sec. 2.** NRS 48.061 is hereby amended to read as follows:

25 48.061 1. Except as otherwise provided in subsection 2,  
26 evidence of domestic violence and expert testimony concerning the  
27 effect of domestic violence, including, without limitation, the effect  
28 of physical, emotional or mental abuse, on the beliefs, behavior and  
29 perception of the alleged victim of the domestic violence that is  
30 offered by the prosecution or defense is admissible in a criminal  
31 proceeding for any relevant purpose, including, without limitation,  
32 when determining:

33 (a) Whether a defendant is excepted from criminal liability  
34 pursuant to subsection ~~[8]~~ 7 of NRS 194.010, to show the state of  
35 mind of the defendant.

36 (b) Whether a defendant in accordance with NRS 200.200 has  
37 killed another in self-defense, toward the establishment of the legal  
38 defense.

39 2. Expert testimony concerning the effect of domestic violence  
40 may not be offered against a defendant pursuant to subsection 1 to  
41 prove the occurrence of an act which forms the basis of a criminal  
42 charge against the defendant.

43 3. As used in this section, “domestic violence” means the  
44 commission of any act described in NRS 33.018.



**Sec. 3.** NRS 62E.520 is hereby amended to read as follows:

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for placement in a correctional or institutional facility if ~~†~~:

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

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

~~†(1)~~ (a) Is in need of placement in a correctional or institutional facility; or

~~†(2)~~ (b) Is in need of residential psychiatric services or other residential services for the mental health of the child.

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

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

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

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

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

**Sec. 4.** NRS 63.440 is hereby amended to read as follows:

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

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

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

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

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

(a) Notify the parent or guardian of the child; and

(b) Obtain the approval of the juvenile court.



1       **Sec. 5.** The amendatory provisions of this act apply to an act  
2 or offense committed on or after October 1, 2021.

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