

Amendment No. 414

Senate Amendment to Senate Bill No. 415	(BDR 5-317)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date					
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 415—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juvenile probation. (BDR 5-317)

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; setting forth the circumstances in which a juvenile court may place a child on probation; limiting the period of time during which a juvenile court may place a child on probation; authorizing, under circumstances, a juvenile court to extend the probation of a child; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides, with certain exceptions, that a juvenile court has exclusive jurisdiction over a child who is alleged to have committed a delinquent act. (NRS 62B.330)

Section 1 of this bill: (1) authorizes a juvenile court to place a child on probation ~~if such probation is reasonable, individually tailored and developmentally appropriate for the child;~~ **under certain circumstances;** and (2) prohibits, with certain exceptions, a juvenile court from placing a child on probation for a period of more than ~~6~~ **18** months. **Section 1** further authorizes a juvenile court to order one or more extensions of the probation of a child if the juvenile court finds, based on a preponderance of evidence presented at a hearing on the matter, that such an extension is ~~in the child’s best interests. No~~ **advisable, considering the individualized case plan developed for the child. With certain exceptions, section 1 provides that no** single extension of probation of a child may be for a period of more than 6 months. ~~Finally,~~ **With certain exceptions, section 1** ~~prohibits~~ prohibits a juvenile court from extending the probation of any child if the extension results in the child being on probation for a total period of more than ~~18~~ **36** months. ~~Finally, section 1~~ **sets forth certain requirements** ~~for notice of~~ **concerning** any hearing **conducted by a juvenile court** relating to the extension of the probation of a child.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

1 **Section 1.** Chapter 62E of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. ~~A juvenile court may place a child on probation [if such probation is~~
4 ~~reasonable, individually tailored and developmentally appropriate for the child.]~~
5 in accordance with the provisions of this section.

6 2. The juvenile court shall consider the report prepared by the department
7 of juvenile justice services pursuant to NRS 62E.506 when determining whether
8 to place a child on probation and the period of any such probation.

9 3. Except as otherwise provided in [subsection 2] this section or as expressly
10 authorized by specific statute [or] or federal law:

11 (a) A juvenile court shall not place a child on probation for a period of more
12 than ~~6] 18 months [~~

13 ~~— 2. Except as otherwise provided in this subsection and subsection 3, a] for~~
14 ~~each unlawful act for which the child is adjudicated delinquent, placed under the~~
15 ~~supervision of the juvenile court pursuant to a supervision and consent decree, or~~
16 ~~placed under informal supervision. The provisions of this paragraph do not apply~~
17 ~~to a violation of probation or parole.~~

18 (b) A juvenile court may order one or more extensions of the probation of a
19 child if the juvenile court finds, based on a preponderance of evidence presented
20 at a hearing on the matter, that such an extension is [in the child's best interests,
21 ~~No] advisable, considering the individualized case plan for the child developed~~
22 pursuant to NRS 62E.507. Except as otherwise authorized by specific statute or
23 federal law, no single extension of the probation of a child may be for a period of
24 more than 6 months.

25 ~~[3.] (c) A juvenile court may not extend the probation of any child if the~~
26 ~~extension results in the child being on probation for a total period of more than~~
27 ~~[18] 36 months [] for each unlawful act for which the child is subject to the~~
28 ~~jurisdiction of the juvenile court, unless the act relates to a violation of the~~
29 ~~conditions of probation.~~

30 4. A juvenile court may extend the probation of a child beyond the period
31 prescribed by paragraph (c) of subsection 3 if the child, the parent or guardian of
32 the child, the attorney for the child, the probation officer of the child and the
33 district attorney agree to the extension.

34 5. Notice of any hearing by a juvenile court relating to the extension of the
35 probation of a child must be given to the child, the parent or guardian of the
36 child, the attorney for the child and the probation officer of the child. ~~[and the~~
37 ~~parent or guardian of the child]~~

38 ~~— 5.] 6. At any hearing of a juvenile court relating to the extension of the~~
39 ~~probation of a child, the juvenile court must:~~

40 (a) Allow the parties a reasonable opportunity to present evidence and
41 testimony; and

42 (b) Consider the [report] :

43 (1) Report of the probation officer of the child relating to the issue of
44 whether the juvenile court should extend the probation of the child [.] :

45 (2) Report prepared by the department of juvenile justice services
46 pursuant to NRS 62E.506; and

47 (3) Individualized case plan for the child developed pursuant to NRS
48 62E.507.

1 7. The period of probation of a child is tolled during any period in which a
2 writ of attachment is issued for the child pursuant to NRS 62C.010.

3 8. Notwithstanding the termination of any period of probation ordered by
4 the juvenile court, the juvenile court retains jurisdiction in accordance with the
5 provisions of NRS 62B.420.

6 **Sec. 2.** NRS 62E.500 is hereby amended to read as follows:

7 62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~+~~, **and**
8 **section 1 of this act:**

9 (a) Apply to the disposition of a case involving a child who is adjudicated
10 delinquent.

11 (b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply
12 to the disposition of a case involving a child who is found to have committed a
13 minor traffic offense.

14 2. If a child is adjudicated delinquent:

15 (a) The juvenile court may issue any orders or take any actions set forth in
16 NRS 62E.500 to 62E.730, inclusive, **and section 1 of this act** that the juvenile court
17 deems proper for the disposition of the case; and

18 (b) If required by a specific statute, the juvenile court shall issue the
19 appropriate orders or take the appropriate actions set forth in the statute.