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ASSEMBLY BILL NO. 185—ASSEMBLYMAN OHRENSCHALL

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding juvenile justice.  
(BDR 5-287)

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.

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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; requiring, under certain circumstances, a person who is less than 18 years of age and who is sentenced to a term of imprisonment in the state prison to serve the term in a state facility for the detention of children until he or she reaches the age of 18 years; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law provides that, 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) **Section 1** of this bill requires such a child to be detained in a facility for  
6 the detention of children unless, upon motion by the prosecuting attorney and for  
7 good cause shown, the juvenile court orders that the child be detained in an adult  
8 facility.

9 Existing law establishes various provisions governing judgment and execution  
10 in a criminal case, including provisions relating to sentencing and terms of  
11 imprisonment. (Chapter 176 of NRS) **Section 2** of this bill requires a person who is  
12 less than 18 years of age and who is sentenced to a term of imprisonment in the  
13 state prison to serve the term in a state facility for the detention of children until the  
14 person reaches the age of 18 years, unless the court determines that he or she may  
15 be dangerous to others.

16 Existing law establishes certain minimum periods of incarceration which must  
17 be served by a prisoner who was sentenced as an adult for certain offenses that



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18 were committed when he or she was less than 18 years of age before the prisoner is  
19 eligible for parole. (NRS 213.12135) **Section 3** of this bill revises existing law to  
20 reflect the changes made by **sections 1 and 2** of this bill.

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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.

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

13 (a) If the child is not detained, the child is likely to commit an  
14 offense dangerous to the child or to the community, or likely to  
15 commit damage to property;

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

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

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

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

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

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

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

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

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

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

37 ~~↳ a child may petition the juvenile court for temporary placement~~  
38 *a person who is less than 18 years of age and who is confined or*



1 *detained during the pendency of the proceeding must be confined*  
2 *or detained* in a facility for the detention of children. *The juvenile*  
3 *court may, upon motion by the prosecuting attorney and for good*  
4 *cause shown, order that the person be confined or detained in a*  
5 *lockup, jail, prison or other facility in which adults are detained or*  
6 *confined.*

7 **Sec. 2.** Chapter 176 of NRS is hereby amended by adding  
8 thereto a new section to read as follows:

9 *1. If a defendant who is less than 18 years of age is sentenced*  
10 *to serve a term of imprisonment in the state prison, the court must*  
11 *order the defendant to be housed in a state facility for the*  
12 *detention of children until he or she reaches the age of 18 years,*  
13 *except that the court may order the defendant to be immediately*  
14 *placed in the custody of the Department of Corrections if the court*  
15 *determines that the defendant may present a danger to others in*  
16 *the state facility for the detention of children.*

17 *2. As soon as practicable after a defendant who is housed in a*  
18 *state facility for the detention of children pursuant to subsection 1*  
19 *reaches the age of 18 years, the state facility for the detention of*  
20 *children shall transfer the defendant to the custody of the*  
21 *Department of Corrections.*

22 *3. As used in this section, "state facility for the detention of*  
23 *children" has the meaning ascribed to it in NRS 62A.330.*

24 **Sec. 3.** NRS 213.12135 is hereby amended to read as follows:

25 213.12135 1. Notwithstanding any other provision of law,  
26 except as otherwise provided in subsection 2 or unless a prisoner is  
27 subject to earlier eligibility for parole pursuant to any other  
28 provision of law, a prisoner who was sentenced as an adult for an  
29 offense that was committed when he or she was less than 18 years of  
30 age is eligible for parole as follows:

31 (a) For a prisoner who is serving a period of incarceration for  
32 having been convicted of an offense or offenses that did not result in  
33 the death of a victim, after the prisoner has served 15 calendar years  
34 of incarceration, including any time served in a county jail **H** *or a*  
35 *facility for the detention of children.*

36 (b) For a prisoner who is serving a period of incarceration for  
37 having been convicted of an offense or offenses that resulted in the  
38 death of only one victim, after the prisoner has served 20 calendar  
39 years of incarceration, including any time served in a county jail **H**  
40 *or a facility for the detention of children.*

41 2. The provisions of this section do not apply to a prisoner who  
42 is serving a period of incarceration for having been convicted of an  
43 offense or offenses that resulted in the death of two or more victims.

44 **Sec. 4.** The amendatory provisions of section 2 of this act  
45 apply to a person convicted of a crime on or after October 1, 2017.



1     **Sec. 5.** The amendatory provisions of section 3 of this act  
2     apply to an offense committed before, on or after October 1, 2017.

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