

SENATE BILL NO. 359—SENATORS OHRENSCHALL; AND KRASNER

MARCH 22, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juvenile justice. (BDR 5-56)

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.

AN ACT relating to juvenile justice; revising provisions relating to community service ordered for a child who is subject to the jurisdiction of the juvenile court; revising provisions relating to the driving privileges of certain children who are adjudicated delinquent or in need of supervision; revising provisions relating to an agreement for informal supervision; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 In general, existing law authorizes a juvenile court to order a child who is
2 subject to the jurisdiction of the juvenile court or the parent or guardian of such a
3 child, or both, to perform community service. (NRS 62E.180) Existing law defines
4 “community service” for the purposes of any such order to include certain public
5 service, work on public projects, supervised work for the benefit of the community
6 or any other work required by the juvenile court. (NRS 62A.060, 62A.180) **Section**
7 **1** of this bill revises the definition of community service to mean a community-
8 based activity that: (1) facilitates civic engagement, facilitates or enhances
9 connections between a child and his or her community, provides training in life
10 skills or increases the employability of a child; and (2) is designed to achieve
11 certain goals. Under existing law, if a juvenile court orders a child, parent or
12 guardian to perform community service, the community service must be performed
13 for and under the supervising authority of certain public entities or a private
14 nonprofit corporation. (NRS 62E.190) **Section 4** of this bill adds a program for
15 which the primary purpose is to build job skills and increase employability to the
16 list of entities under whose supervisory authority a child, parent or guardian is
17 authorized to perform community service.

18 Existing law authorizes or requires the juvenile court to suspend or delay the
19 issuance of the driver’s license of a child who is adjudicated delinquent or in need
20 of supervision under certain circumstances. Under existing law, if a child is already



21 the subject of such an order, the juvenile court must order the additional suspension
22 or delay to apply consecutively with the previous order. (NRS 62E.440, 62E.630,
23 62E.650, 62E.690) **Sections 6, 8, 9 and 11** of this bill remove this requirement.

24 Among other penalties, existing law requires a juvenile court to order a child
25 who is adjudicated to be in need of supervision because the child is a habitual truant
26 to pay a fine or perform community service, or both. (NRS 62E.430) **Section 5** of
27 this bill: (1) removes the requirement that the court order the child to pay a fine the
28 first time the child is adjudicated to be in need of supervision; and (2) authorizes
29 the juvenile court to order the child to perform an additional 10 hours of
30 community service for a combined total not to exceed 20 hours in lieu of all or part
31 of the fine ordered by the court.

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

1 **Section 1.** NRS 62A.060 is hereby amended to read as
2 follows:

3 62A.060 ~~[1.]~~ "Community service" means ~~[community~~
4 ~~service]~~ *a community-based activity that:*

5 *1. Facilitates civic engagement, facilitates or enhances*
6 *connections between the child and his or her community, provides*
7 *training in life skills or increases the employability of the child*
8 *through basic job training;*

9 *2. Is designed to:*

10 *(a) Encourage the development of empathy for victims of*
11 *crimes;*

12 *(b) Repair harm done to victims and the community by giving*
13 *back to victims and the community;*

14 *(c) Facilitate the development of critical thinking and problem*
15 *solving skills;*

16 *(d) Facilitate the development of a deeper understanding of*
17 *community problems;*

18 *(e) Provide the child with a better understanding of how to*
19 *make constructive changes;*

20 *(f) Assist the child with gaining a sense of individual*
21 *effectiveness;*

22 *(g) Facilitate the development in the child of a personal stake*
23 *in the well-being of the community; or*

24 *(h) Provide the child with a better understanding of the need*
25 *for involvement in the community in a way that affects positive*
26 *change; and*

27 *3. Is performed in accordance with NRS 62E.190.*

28 ~~[2. The term includes, but is not limited to, public service,~~
29 ~~work on public projects, supervised work for the benefit of the~~
30 ~~community or any other work required by the juvenile court.]~~

31 **Sec. 2.** (Deleted by amendment.)



1 **Sec. 3.** (Deleted by amendment.)

2 **Sec. 4.** NRS 62E.190 is hereby amended to read as follows:

3 62E.190 1. If the juvenile court orders a child or the parent or
4 guardian of the child, or both, to perform community service
5 pursuant to the provisions of this title, the child or parent or
6 guardian of the child, or both, must perform the community service
7 for and under the supervising authority of ~~{a}~~:

8 (a) A county, city, town or other political subdivision or agency
9 of the State of Nevada ;

10 (b) ~~{or a}~~ A charitable organization that renders service to the
11 community or its residents, including, ~~{but not limited to}~~:

12 ~~{(a)}~~ *without limitation*:

13 (1) A public organization that works on public projects;

14 ~~{(b)}~~ (2) A public agency that works on projects to eradicate
15 graffiti; or

16 ~~{(c)}~~ (3) A private nonprofit organization that performs other
17 community service ~~{}~~; or

18 (c) *A program for which the primary purpose is to build job
19 skills and increase the employability of the child.*

20 2. The person or entity who supervises the community service
21 shall make such reports to the juvenile court as the juvenile court
22 may require.

23 **Sec. 5.** NRS 62E.430 is hereby amended to read as follows:

24 62E.430 1. ~~{H}~~ *Except as otherwise provided in subsection
25 2, if* a child is adjudicated to be in need of supervision because the
26 child is a habitual truant, the juvenile court shall:

27 (a) The first time the child is adjudicated to be in need of
28 supervision because the child is a habitual truant:

29 (1) Order ~~{}~~:

30 ~~—————~~ (I) ~~The}~~ *the* child to ~~{pay a fine of not more than \$100 or,
31 if the parent or guardian of the child knowingly induced the child to
32 be a habitual truant, order the parent or guardian to pay the fine; or~~

33 ~~—————~~ (II) ~~The child to}~~ perform not less than 8 hours but not
34 more than 16 hours of community service; and

35 (2) If the child is 14 years of age or older, order the
36 suspension of the driver's license of the child for at least 30 days but
37 not more than 6 months. If the child does not possess a driver's
38 license, the juvenile court shall prohibit the child from applying for
39 a driver's license for 30 days:

40 (I) Immediately following the date of the order if the child
41 is eligible to apply for a driver's license; or

42 (II) After the date the child becomes eligible to apply for
43 a driver's license if the child is not eligible to apply for a driver's
44 license.



1 (b) The second or any subsequent time the child is adjudicated
2 to be in need of supervision because the child is a habitual truant:

3 (1) Order:

4 (I) The child to pay a fine of not more than \$200 or, if the
5 parent or guardian of the child knowingly induced the child to be a
6 habitual truant, order the parent or guardian to pay the fine;

7 (II) The child to perform not more than 10 hours of
8 community service; or

9 (III) Compliance with the requirements set forth in both
10 sub-subparagraphs (I) and (II); and

11 (2) If the child is 14 years of age or older, order the
12 suspension of the driver's license of the child for at least 60 days but
13 not more than 1 year. If the child does not possess a driver's license,
14 the juvenile court shall prohibit the child from applying for a
15 driver's license for 60 days:

16 (I) Immediately following the date of the order if the child
17 is eligible to apply for a driver's license; or

18 (II) After the date the child becomes eligible to apply for
19 a driver's license if the child is not eligible to apply for a driver's
20 license.

21 2. *The juvenile court may, in lieu of all or part of a fine*
22 *ordered pursuant to this section, order the child to perform not*
23 *more than 10 additional hours of community service. The*
24 *combined total of community service ordered by the juvenile court*
25 *each time a child is adjudicated to be in need of supervision must*
26 *not exceed 20 hours.*

27 3. The juvenile court may suspend the payment of a fine
28 ordered pursuant to ~~[paragraph (a) of subsection 1]~~ *this section* if
29 ~~[the]~~ :

30 (a) *The child attends school for 60 consecutive school days, or*
31 *its equivalent in a school district operating under an alternative*
32 *schedule authorized pursuant to NRS 388.090, after the imposition*
33 *of the fine, or has a valid excuse acceptable to the child's teacher or*
34 *the principal for any absence from school within that period [*

35 ~~*3. The juvenile court may suspend the payment of a fine*~~
36 ~~*ordered pursuant to this section if the]* ; *or*~~

37 (b) *The parent or guardian of a child is ordered to pay a fine by*
38 *another court of competent jurisdiction in a case relating to or*
39 *arising out of the same circumstances that caused the juvenile court*
40 *to adjudicate the child in need of supervision.*

41 4. The community service ordered pursuant to this section must
42 be performed at the child's school of attendance, if practicable.



Sec. 6. NRS 62E.440 is hereby amended to read as follows:

62E.440 1. If a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of \$25; and

(2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of \$50; and

(2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

(1) The child to pay a fine of \$75;

(2) The child to attend and complete a tobacco awareness and cessation program; and

(3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the juvenile court orders a child to pay a fine pursuant to this section and the child willfully fails to pay the fine, the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

➤ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile



1 court ~~{shall}~~ *may* order the additional suspension or delay, as
2 appropriate, to apply consecutively with the previous order.

3 3. If the juvenile court suspends the driver's license of a child
4 pursuant to this section, the juvenile court may order the Department
5 of Motor Vehicles to issue a restricted driver's license pursuant to
6 NRS 483.490 permitting the child to drive a motor vehicle:

7 (a) To and from work or in the course of his or her work, or
8 both;

9 (b) To and from school; or

10 (c) To acquire supplies of medicine or food or receive regularly
11 scheduled medical care for himself, herself or a member of his or
12 her immediate family.

13 **Sec. 7.** (Deleted by amendment.)

14 **Sec. 8.** NRS 62E.630 is hereby amended to read as follows:

15 62E.630 1. Except as otherwise provided in this section, if a
16 child is adjudicated delinquent for the unlawful act of using,
17 possessing, selling or distributing a controlled substance, or
18 purchasing, consuming or possessing an alcoholic beverage in
19 violation of NRS 202.020, the juvenile court shall:

20 (a) If the child possesses a driver's license, issue an order
21 suspending the driver's license of the child for at least 90 days but
22 not more than 2 years; or

23 (b) If the child does not possess a driver's license and the child
24 is or will be eligible to receive a driver's license within the 2 years
25 immediately following the date of the order, issue an order
26 prohibiting the child from receiving a driver's license for a period
27 specified by the juvenile court which must be at least 90 days but
28 not more than 2 years:

29 (1) Immediately following the date of the order, if the child
30 is eligible to receive a driver's license; or

31 (2) After the date the child will be eligible to receive a
32 driver's license, if the child is not eligible to receive a driver's
33 license on the date of the order.

34 2. If the child is already the subject of a court order suspending
35 or delaying the issuance of the driver's license of the child, the
36 juvenile court ~~{shall}~~ *may* order the additional suspension or delay,
37 as appropriate, to apply consecutively with the previous order.

38 3. If the juvenile court finds that a suspension or delay in the
39 issuance of the driver's license of a child pursuant to this section
40 would cause or is causing a severe or undue hardship to the child or
41 his or her immediate family and that the child is otherwise eligible
42 to receive a driver's license, the juvenile court may order the
43 Department of Motor Vehicles to issue a restricted driver's license
44 to the child pursuant to NRS 483.490.



1 4. If the juvenile court issues an order requiring the
2 Department of Motor Vehicles to issue a restricted driver's license
3 to a child pursuant to subsection 3, not later than 5 days after issuing
4 the order, the juvenile court shall forward to the Department of
5 Motor Vehicles a copy of the order.

6 **Sec. 9.** NRS 62E.650 is hereby amended to read as follows:

7 62E.650 1. If a child is adjudicated delinquent because the
8 child handled or possessed a firearm or had a firearm under his or
9 her control in violation of NRS 202.300, the juvenile court shall:

10 (a) For the first offense:

11 (1) Order the child to perform 200 hours of community
12 service; and

13 (2) Issue an order suspending the driver's license of the child
14 for not more than 1 year or, if the child does not possess a driver's
15 license, prohibit the child from receiving a driver's license for not
16 more than 1 year:

17 (I) Immediately following the date of the order, if the
18 child is eligible to receive a driver's license.

19 (II) After the date the child becomes eligible to receive a
20 driver's license, if the child is not eligible to receive a license on the
21 date of the order.

22 (b) For the second offense:

23 (1) Order the child to perform at least 200 hours but not more
24 than 600 hours of community service; and

25 (2) Issue an order suspending the driver's license of the child
26 for at least 90 days but not more than 2 years or, if the child does not
27 possess a driver's license, prohibit the child from receiving a
28 driver's license for at least 90 days but not more than 2 years:

29 (I) Immediately following the date of the order, if the
30 child is eligible to receive a driver's license.

31 (II) After the date the child becomes eligible to receive a
32 driver's license, if the child is not eligible to receive a license on the
33 date of the order.

34 2. If the child is already the subject of a court order suspending
35 or delaying the issuance of the driver's license of the child, the
36 juvenile court ~~shall~~ *may* order an additional suspension or delay,
37 as appropriate, to apply consecutively with the previous order.

38 **Sec. 10.** (Deleted by amendment.)

39 **Sec. 11.** NRS 62E.690 is hereby amended to read as follows:

40 62E.690 1. Except as otherwise provided in this section, if a
41 child is adjudicated delinquent for the unlawful act of placing
42 graffiti on or otherwise defacing public or private property owned or
43 possessed by another person in violation of NRS 206.125 or
44 206.330 or for the unlawful act of carrying a graffiti implement in



1 certain places without valid authorization in violation of NRS
2 206.335, the juvenile court shall:

3 (a) If the child possesses a driver's license, issue an order
4 suspending the driver's license of the child for at least 1 year but not
5 more than 2 years; or

6 (b) If the child does not possess a driver's license and the child
7 is or will be eligible to receive a driver's license within the 2 years
8 immediately following the date of the order, issue an order
9 prohibiting the child from receiving a driver's license for a period
10 specified by the juvenile court which must be at least 1 year but not
11 more than 2 years:

12 (1) Immediately following the date of the order, if the child
13 is eligible to receive a driver's license; or

14 (2) After the date the child will be eligible to receive a
15 driver's license, if the child is not eligible to receive a driver's
16 license on the date of the order.

17 2. If the child is already the subject of a court order suspending
18 or delaying the issuance of the driver's license of the child, the
19 juvenile court ~~shall~~ *may* order the additional suspension or delay,
20 as appropriate, to apply consecutively with the previous order.

21 **Sec. 12.** (Deleted by amendment.)

