

SENATE BILL NO. 476—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning the juvenile justice system. (BDR 5-1216)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring each county to pay an assessment to the State for the activities of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services; authorizing a county to submit a proposal for the county to provide the services of the Youth Parole Bureau for the county and receive an exemption from the assessment; prohibiting a juvenile court from committing a delinquent child to a private institution; revising the manner in which a determination is made about where to commit a delinquent child; revising provisions relating to a juvenile who is held in a detention facility pending a hearing concerning a violation of parole; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 1** of this bill requires each county to pay an assessment for the
- 2 activities of the Youth Parole Bureau of the Division of Child and Family Services
- 3 of the Department of Health and Human Services. The amount of the assessment is
- 4 determined by the Administrator of the Division of Child and Family Services
- 5 using a formula that is based upon the number of pupils enrolled in public schools
- 6 in the county. **Section 1** allows a county to request an exemption from the
- 7 assessment by submitting a proposal to the Governor for the county to carry out



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8 the functions of the Youth Parole Bureau for the county. If the Governor approves
9 the proposal, the Interim Finance Committee must consider whether to approve the
10 exemption. **Section 4.5** of this bill provides that if such an exemption is approved,
11 the county is required to carry out the functions of the Youth Parole Bureau.

12 **Section 2** of this bill removes the authority of a juvenile court to commit a child
13 to a private institution under certain circumstances.

14 Existing law authorizes a juvenile court to order the return of a child who is
15 alleged to have violated parole to a state facility for the detention of children or to
16 be held in the local or regional facility for the detention of children pending a
17 hearing. In addition, if the child is held in a local or regional facility, existing law
18 requires the Youth Parole Bureau to pay the costs for the confinement of the child.
19 (NRS 63.770) **Section 5** of this bill removes the authority of a juvenile court to
20 order the child to be returned to a state facility for the detention of children in such
21 circumstances and authorizes, instead of requiring, the Youth Parole Bureau pay the
22 costs of confinement of a child who is held, pending a hearing, in a local or
23 regional facility for the detention of children to the extent that money is available
24 for that purpose.

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

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

3 *1. Unless an exemption is approved pursuant to subsection 4,*
4 *each county shall pay an assessment for the activities of the Youth*
5 *Parole Bureau that are necessary to carry out the provisions of*
6 *NRS 63.700 to 63.780, inclusive.*

7 *2. The assessment owed by each county equals the total*
8 *amount budgeted by the Legislature for the operation of the Youth*
9 *Parole Bureau, divided by the total number of pupils enrolled in*
10 *grades 7 through 12 in public schools in this State in the*
11 *preceding school year and multiplied by the number of pupils*
12 *enrolled in grades 7 through 12 in public schools in the assessed*
13 *county. The Administrator of the Division of Child and Family*
14 *Services shall calculate the assessment owed by each county in*
15 *June of each year for the ensuing fiscal year.*

16 *3. Each county must pay the assessed amount to the Division*
17 *of Child and Family Services in quarterly installments that are*
18 *due the first day of the first month of each calendar quarter.*

19 *4. A county may submit a proposal to the Governor for the*
20 *county to carry out the provisions of NRS 63.700 to 63.780,*
21 *inclusive, with respect to any child released from a state facility for*
22 *the detention of children who resides within the county. If the*
23 *Governor approves the proposal, the Governor must submit a*
24 *recommendation to the Interim Finance Committee to exempt the*
25 *county from the assessment required pursuant to subsection 1.*
26 *The Interim Finance Committee, upon receiving the*



1 *recommendation from the Governor, shall consider the proposal*
2 *and determine whether to approve the exemption. In considering*
3 *whether to approve the exemption, the Interim Finance Committee*
4 *shall consider, among other things, the best interests of the State,*
5 *the effect of the exemption and the intent of the Legislature in*
6 *requiring the assessment to be paid by each county.*

7 **Sec. 2.** NRS 62E.510 is hereby amended to read as follows:

8 62E.510 1. If a delinquent child is less than 12 years of age,
9 the juvenile court shall not commit the child to a state facility for the
10 detention of children.

11 2. If a delinquent child is 12 years of age or older, the juvenile
12 court shall not commit the child to a private institution . ~~unless the~~
13 ~~commitment is approved by the superintendent of the state facility~~
14 ~~for the detention of children to which the child would otherwise~~
15 ~~have been committed.]~~

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

17 **Sec. 4.** (Deleted by amendment.)

18 **Sec. 4.5.** Chapter 63 of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 *1. A county that receives approval to carry out the provisions*
21 *of NRS 63.700 to 63.780, inclusive, and an exemption from the*
22 *assessment imposed pursuant to section 1 of this act shall:*

23 *(a) Carry out the provisions of NRS 63.700 to 63.780,*
24 *inclusive; and*

25 *(b) Appoint a person to act in the place of the Chief of the*
26 *Youth Parole Bureau in carrying out those provisions.*

27 *2. When a person is appointed by the county to act in the*
28 *place of the Chief of the Youth Parole Bureau pursuant to*
29 *subsection 1, the person so appointed shall be deemed to be the*
30 *Chief of the Youth Parole Bureau for the purposes of NRS 63.700*
31 *to 63.780, inclusive.*

32 **Sec. 5.** NRS 63.770 is hereby amended to read as follows:

33 63.770 1. A petition may be filed with the juvenile court to
34 request that the parole of a child be suspended, modified or revoked.

35 2. Pending a hearing, the juvenile court may order ~~[-]~~

36 ~~—(a) The return of the child to the facility; or~~

37 ~~—(b) If approved by a local or regional facility for the detention of~~
38 ~~children,] that the child be held in the local or regional facility ~~[-]~~ *for*
39 *the detention of children.*~~

40 3. If the child is held in a local or regional facility for the
41 detention of children pending a hearing, the Youth Parole Bureau
42 ~~[must]~~ *may* pay all actual and reasonably necessary costs for the
43 confinement of the child in the local or regional facility ~~[-]~~ *to the*
44 *extent that money is available for that purpose.*



1 4. If requested, the juvenile court shall allow the child
2 reasonable time to prepare for the hearing.

3 5. The juvenile court shall render a decision within 10 days
4 after the conclusion of the hearing.

5 **Sec. 6.** (Deleted by amendment.)

6 **Sec. 7.** The provisions of NRS 354.599 do not apply to any
7 additional expenses of a local government that are related to the
8 provisions of this act.

9 **Sec. 8.** This act becomes effective on July 1, 2011.

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