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Juveniles; procedure—juvenile courts

NEV. REV. STAT. § 62.— (new); §§ 62.090, 62.211, 62.271, 62.355 (amended).

AB 112 (Humke); 1989 STAT. Ch. 99

Existing law allows judges to appoint masters to make findings of fact and recommendations in order to expedite juvenile actions.¹ Chapter 99 provides that if a probation officer is appointed as a master in a juvenile action, the officer may only hear traffic offense proceedings.²

Prior law allowed the court to issue a variety of decrees and orders concerning any juvenile offender³ before the court.⁴ Under Chapter 99, in certain circumstances⁵ the court is limited to referring the child to community counseling services without adjudication.⁶ For other juvenile offenders, existing law allows a variety of punishments.⁷ Additionally, under Chapter 99 the court may impose a fine⁸ or place

1. NEV. REV. STAT. § 62.090 1 (1987) (amended by 1989 Nev. Stat. ch. 99, sec. 2, at —) (masters must receive instruction at the National College of Juvenile and Family Law in Reno). See 1983 Nev. Stat. ch. 26, sec. 12, at 114 (amending NEV. REV. STAT. § 62.090) (prior law allowed judges to excuse the master from receiving instruction); 1989 Nev. Stat. ch. 99, sec. 2, at — (amending NEV. REV. STAT. § 62.090) (judges may no longer excuse masters from instruction). See also *Trent v. Clark County Juvenile Service*, 88 Nev. 573, 577, 502 P.2d 385, 387 (1972) (the intent of NEV. REV. STAT. § 62.090 is to expedite juvenile proceedings).

2. 1989 Nev. Stat. ch. 99, sec. 2, at — (amending NEV. REV. STAT. § 62.090).

3. See NEV. REV. STAT. § 62.040 (1987) (definition of juvenile offenders). The juvenile courts have original jurisdiction over any child who has committed a delinquent act, is in need of supervision, or is in need of commitment to an institution for the mentally retarded. *Id.* Additionally, juvenile courts in counties with a population of less than 250,000 have the right to hear juvenile traffic cases. *Id.*

4. 1985 Nev. Stat. ch. 455 at 1396 (amending NEV. REV. STAT. § 62.211). *But see* Glenda Kay S., *A Minor v. State*, 103 Nev. 53, 54, 732 P.2d 1356, 1357 (1987) (*citing* *A Minor v. Juvenile Division*, 97 Nev. 281, 287, 630 P.2d 245, 249 (1981)) (confinement only proper when the child has been adjudicated to be a delinquent).

5. 1989 Nev. Stat. ch. 99, sec. 3, at — (amending NEV. REV. STAT. § 62.211) (applies when the child is not delinquent, has not previously been the subject of a complaint alleging delinquency, and is before the court for truancy, habitual disregard of a parent or guardian's commands, or for being a runaway). See NEV. REV. STAT. §§ 62.040 1(b) (1987) (amended by 1989 Nev. Stat. ch. 765, sec. 6, at —) (definition of a delinquent act); 62.128 (1987) (disposition of complaints of delinquent acts); 62.040 1(a)(1) (1987) (definition of truancy); 62.040 1(a)(2) (1987) (definition of habitual disregard); 62.040 1(a)(3) (1987) (definition of runaway).

6. 1989 Nev. Stat. ch. 99, sec. 3, at — (amending NEV. REV. STAT. § 62.211).

7. See NEV. REV. STAT. § 62.211 1 (1988) (amended by 1989 Nev. Stat. ch. 99, sec. 3, at —). The court's options include home supervision, commitment of the child to private or public institutions or agencies, requirement of psychiatric care, ordering the child's guardian to refrain from conduct which has caused the child to violate the law, ordering the child to work on public projects, and ordering the child to provide restitution to the victim of the child's crime. *Id.*

8. 1989 Nev. Stat. ch. 99, sec. 3, at — (amending NEV. REV. STAT. § 62.211).

the child in a program of home supervision that uses electronic surveillance.⁹ If a child violates probation, Chapter 99 allows the court to place the child in a detention center.¹⁰

Further, Chapter 99 allows the court to declare a child at least sixteen years of age a serious or chronic offender if the child commits an act which would constitute manslaughter,¹¹ kidnaping,¹² sexual assault,¹³ armed robbery,¹⁴ assault with a deadly weapon,¹⁵ or battery causing substantial bodily harm¹⁶ if committed by an adult, or if the child has committed on at least three prior occasions any act which would be a felony if committed by an adult.¹⁷ For serious or chronic offenders the court may impose any penalty it deems appropriate, including confinement in jail.¹⁸ In addition, the court may release to the media the names of serious or chronic offenders and the charges against them.¹⁹

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9. *Id.* The legislature intends that the electronic surveillance option exist only as an alternative to confinement. *Id.* See generally NEV. REV. STAT. § 213.152 3 (1987) (electronic devices for home supervision of adult parolees may only transmit information concerning whether the parolee is at home, and may not transmit audio or video signals or information regarding the parolee's activities while at home).

10. 1989 Nev. Stat. ch. 99, sec. 4, at ___ (amending NEV. REV. STAT. § 62.271). The child must be adjudicated delinquent. *Id.* A child may not be placed in the detention center for more than 30 days. *Id.*

11. See NEV. REV. STAT. § 200.040 (1988) (definition of manslaughter).

12. See *id.* § 200.310 (1987) (definition of kidnaping).

13. See *id.* § 200.366 (1987) (definition of sexual assault).

14. See *id.* § 200.380 (1987) (definition of robbery).

15. See *id.* § 200.471 (1987) (definition of assault).

16. See *id.* § 200.481 (1987) (definition of battery).

17. 1989 Nev. Stat. ch. 99, sec. 1, at ___ (enacting NEV. REV. STAT. § 62.____) (the district attorney must petition the court and have the child found a serious or chronic offender). See *Lewis v. State*, 86 Nev. 889, 892, 478 P.2d 168, 170 (1970) (treating some juvenile offenders at least 16 years of age differently from other juvenile offenders is constitutional). See generally *Matter of Seven Minors*, 99 Nev. 427, 664 P.2d 947 (1983) (standards for trying minors as adults). The U.S. Supreme Court has held that treating minors as adults does not violate the Constitution per se. See, e.g., *Stanford v. Kentucky*, ___ U.S. ___, 57 U.S.L.W. 4973, 4978 (June 26, 1989) (death penalty for minors does not violate the Eighth Amendment).

18. 1989 Nev. Stat. ch. 99, sec. 3, at ___ (amending NEV. REV. STAT. § 62.211).

19. 1989 Nev. Stat. ch. 99, sec. 5, at ___ (amending NEV. REV. STAT. § 62.355).