ASSEMBLY BILL NO. 341–ASSEMBLYMAN OHRENSCHALL

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juvenile justice. (BDR 5-964)

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; authorizing an attorney who represents a child in juvenile proceedings to consult with and seek appointment of certain persons; urging the Nevada Supreme Court to adopt certain court rules relating to juvenile justice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a procedure for adjudicating a child who is alleged to be delinquent or in need of supervision under certain circumstances. (NRS 62D.010) **Section 1** of this bill authorizes an attorney who represents a child in such juvenile proceedings to consult with and seek appointment of certain persons.

Section 4 of this bill urges the Nevada Supreme Court to adopt court rules for attorneys who represent juveniles in juvenile proceedings.

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

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

Each attorney who represents a child in proceedings pursuant to the provisions of this title may consult with and seek appointment of, without limitation and when appropriate:

1. Any social worker licensed pursuant to chapter 641B of NRS;

2. Any qualified mental health professional, as defined in NRS 458A.057;

3. Any educator; and

4. Any other expert the attorney deems appropriate.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. The Legislature hereby finds and declares that:

1. In the case of *In re Gault*, 387 U.S. 1 (1967), the United States Supreme Court guaranteed a juvenile's constitutional right to due process under the Fourteenth Amendment, including, without limitation, the right to counsel and the privilege against self-incrimination.

2. Under the existing Nevada Supreme Court Rules:

(a) Rules 205-215 govern the State of Nevada Board of Continuing Legal Education whose powers and duties include, without limitation, providing for programs of continuing legal education.

(b) Rule 250 provides minimum requirements required for defense counsel in cases in which the death penalty is or may be sought or has been imposed, including proceedings for postconviction relief from a judgment of conviction and sentence of death.

3. The Nevada Supreme Court Rules, however, do not specify minimum requirements for attorneys who represent juveniles in proceedings related to juvenile justice.

4. Therefore the Legislature urges the Nevada Supreme Court to adopt appropriate rules for attorneys who represent juveniles to ensure effective assistance of counsel in proceedings related to juvenile justice. These requirements may include, without limitation:

(a) Minimum requirements for courses, programs and continuing legal education in order to provide effective representation of juveniles;

(b) Standards for professional conduct specific to juvenile justice; and

(c) Minimum requirements for attorneys who represent juveniles and are employed by the State Public Defender.

Sec. 5. This act becomes effective upon passage and approval.

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