

SENATE BILL NO. 177—SENATORS SETTELMEYER, HARDY;
CEGAVSKE, GOICOECHEA, GUSTAVSON, HAMMOND,
HUTCHISON, JONES, KIECKHEFER, SEGERBLOM AND
WOODHOUSE

FEBRUARY 20, 2013

JOINT SPONSOR: ASSEMBLYMAN WHEELER

Referred to Committee on Judiciary

SUMMARY—Prohibits a minor from committing certain acts relating to the possession and use of tobacco products. (BDR 5-689)

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 tobacco; prohibiting a minor from committing certain acts relating to the possession and use of tobacco products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 10** of this bill prohibits a minor from purchasing or attempting to
2 purchase tobacco products, possessing or attempting to possess tobacco products,
3 using tobacco products or falsely representing his or her age to purchase, possess or
4 obtain tobacco products. **Section 4** of this bill provides that a child may be issued a
5 citation for violating the provisions of **section 10**, while **section 3** of this bill
6 provides that a probation officer may act as a master of the juvenile court if the
7 proceeding involves such a citation. Under **sections 3.3, 3.7 and 10** of this bill, a
8 child who violates the provisions of **section 10** is a child in need of supervision for
9 the purposes of juvenile court proceedings rather than a delinquent child.
10 **Section 5** of this bill sets forth the possible punishment if a child is adjudicated
11 to be in need of supervision because the child has committed a violation of **section**
12 **10**. Under **section 5**, the juvenile court may order a child to pay a \$25 fine for a
13 first adjudication, a \$50 fine for a second adjudication and a \$75 fine for a third or
14 any subsequent adjudication. If the juvenile court orders a child to pay such a fine,
15 **section 5** requires the juvenile court to order the child to pay a \$10 administrative
16 assessment in addition to the fine. **Section 5** further provides that: (1) for any
17 adjudication that a child is in need of supervision because the child committed a



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18 violation of **section 10**, the juvenile court may order a child to attend a tobacco
19 awareness and cessation program; and (2) for a third or any subsequent
20 adjudication or for a willful failure by the child to pay a fine or administrative
21 assessment, the juvenile court may order a suspension or delay in the issuance of
22 the child's driver's license for at least 30 days but not more than 90 days. Under
23 **section 5**, if the juvenile court orders the suspension or delay in the issuance of a
24 child's driver's license, the juvenile court may order the Department of Motor
25 Vehicles to issue to the child a restricted driver's license that authorizes the child to
26 drive to and from school or work or to acquire medicine or food for himself or
27 herself or for an immediate family member.

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

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

3 ***"Offense related to tobacco" means a violation of section 10 of***
4 ***this act.***

5 **Sec. 2.** NRS 62A.010 is hereby amended to read as follows:

6 62A.010 As used in this title, unless the context otherwise
7 requires, the words and terms defined in NRS 62A.020 to 62A.350,
8 inclusive, ***and section 1 of this act*** have the meanings ascribed to
9 them in those sections.

10 **Sec. 3.** NRS 62B.020 is hereby amended to read as follows:

11 62B.020 1. Except as otherwise provided in this section, the
12 juvenile court or the chief judge of the judicial district may appoint
13 any person to act as a master of the juvenile court if the person is
14 qualified by previous experience, training and demonstrated interest
15 in the welfare of children to act as a master of the juvenile court.

16 2. A probation officer shall not act as a master of the juvenile
17 court unless the proceeding concerns:

18 (a) A minor traffic offense; ~~or~~

19 (b) ***An offense related to tobacco; or***

20 (c) A child who is alleged to be a habitual truant.

21 3. If a person is appointed to act as a master of the juvenile
22 court, the person shall attend instruction at the National College of
23 Juvenile and Family Law in Reno, Nevada, in a course designed for
24 the training of new judges of the juvenile court on the first occasion
25 when such instruction is offered after the person is appointed.

26 4. If, for any reason, a master of the juvenile court is unable to
27 act, the juvenile court or the chief judge of the judicial district may
28 appoint another qualified person to act temporarily as a master of
29 the juvenile court during the period that the master who is regularly
30 appointed is unable to act.

31 5. The compensation of a master of the juvenile court:

32 (a) May not be taxed against the parties.



1 (b) Must be paid out of appropriations made for the expenses of
2 the district court, if the compensation is fixed by the juvenile court.

3 **Sec. 3.3.** NRS 62B.320 is hereby amended to read as follows:

4 62B.320 1. Except as otherwise provided in this title, the
5 juvenile court has exclusive original jurisdiction in proceedings
6 concerning any child living or found within the county who is
7 alleged or adjudicated to be in need of supervision because the
8 child:

9 (a) Is subject to compulsory school attendance and is a habitual
10 truant from school;

11 (b) Habitually disobeys the reasonable and lawful demands of
12 the parent or guardian of the child and is unmanageable;

13 (c) Deserts, abandons or runs away from the home or usual
14 place of abode of the child and is in need of care or rehabilitation;

15 ~~or~~

16 (d) Uses an electronic communication device to transmit or
17 distribute a sexual image of himself or herself to another person or
18 to possess a sexual image in violation of NRS 200.737 ~~H~~; *or*

19 *(e) Commits an offense related to tobacco.*

20 2. A child who is subject to the jurisdiction of the juvenile
21 court pursuant to this section must not be considered a delinquent
22 child.

23 3. As used in this section:

24 (a) "Electronic communication device" has the meaning
25 ascribed to it in NRS 200.737.

26 (b) "Sexual image" has the meaning ascribed to it in
27 NRS 200.737.

28 **Sec. 3.7.** NRS 62B.330 is hereby amended to read as follows:

29 62B.330 1. Except as otherwise provided in this title, the
30 juvenile court has exclusive original jurisdiction over a child living
31 or found within the county who is alleged or adjudicated to have
32 committed a delinquent act.

33 2. For the purposes of this section, a child commits a
34 delinquent act if the child:

35 (a) Violates a county or municipal ordinance;

36 (b) Violates any rule or regulation having the force of law; or

37 (c) Commits an act designated a criminal offense pursuant to the
38 laws of the State of Nevada ~~H~~ *other than an offense related to*
39 *tobacco.*

40 3. For the purposes of this section, each of the following acts
41 shall be deemed not to be a delinquent act, and the juvenile court
42 does not have jurisdiction over a person who is charged with
43 committing such an act:



1 (a) Murder or attempted murder and any other related offense
2 arising out of the same facts as the murder or attempted murder,
3 regardless of the nature of the related offense.

4 (b) Sexual assault or attempted sexual assault involving the use
5 or threatened use of force or violence against the victim and any
6 other related offense arising out of the same facts as the sexual
7 assault or attempted sexual assault, regardless of the nature of the
8 related offense, if:

9 (1) The person was 16 years of age or older when the sexual
10 assault or attempted sexual assault was committed; and

11 (2) Before the sexual assault or attempted sexual assault was
12 committed, the person previously had been adjudicated delinquent
13 for an act that would have been a felony if committed by an adult.

14 (c) An offense or attempted offense involving the use or
15 threatened use of a firearm and any other related offense arising out
16 of the same facts as the offense or attempted offense involving the
17 use or threatened use of a firearm, regardless of the nature of the
18 related offense, if:

19 (1) The person was 16 years of age or older when the offense
20 or attempted offense involving the use or threatened use of a firearm
21 was committed; and

22 (2) Before the offense or attempted offense involving the use
23 or threatened use of a firearm was committed, the person previously
24 had been adjudicated delinquent for an act that would have been a
25 felony if committed by an adult.

26 (d) A felony resulting in death or substantial bodily harm to the
27 victim and any other related offense arising out of the same facts as
28 the felony, regardless of the nature of the related offense, if:

29 (1) The felony was committed on the property of a public or
30 private school when pupils or employees of the school were present
31 or may have been present, at an activity sponsored by a public or
32 private school or on a school bus while the bus was engaged in its
33 official duties; and

34 (2) The person intended to create a great risk of death or
35 substantial bodily harm to more than one person by means of a
36 weapon, device or course of action that would normally be
37 hazardous to the lives of more than one person.

38 (e) A category A or B felony and any other related offense
39 arising out of the same facts as the category A or B felony,
40 regardless of the nature of the related offense, if the person was at
41 least 16 years of age but less than 18 years of age when the offense
42 was committed, and:

43 (1) The person is not identified by law enforcement as
44 having committed the offense and charged before the person is at
45 least 20 years, 3 months of age, but less than 21 years of age; or



1 (2) The person is not identified by law enforcement as
2 having committed the offense until the person reaches 21 years of
3 age.

4 (f) Any other offense if, before the offense was committed, the
5 person previously had been convicted of a criminal offense.

6 **Sec. 4.** Chapter 62C of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *1. If a child is stopped or otherwise detained by a peace
9 officer for an offense related to tobacco, the peace officer may
10 prepare and issue a citation in the same manner in which a traffic
11 citation is prepared and issued pursuant to NRS 62C.070.*

12 *2. If a child who is issued a citation for an offense related to
13 tobacco executes a written promise to appear in court by signing
14 the citation, the peace officer:*

15 *(a) Shall deliver a copy of the citation to the child; and*

16 *(b) Shall not take the child into physical custody for the
17 violation.*

18 **Sec. 5.** Chapter 62E of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 *1. If a child is adjudicated to be in need of supervision
21 because the child has committed an offense related to tobacco, the
22 juvenile court may:*

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

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

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

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

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

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

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

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

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

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



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

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

6 2. If the juvenile court orders a child to attend and complete a
7 tobacco awareness and cessation program, the juvenile court may
8 order the child or the parent or guardian of the child, or both, to
9 pay the reasonable cost for the child to attend the program.

10 3. If the juvenile court orders a child to pay a fine pursuant to
11 this section, the juvenile court shall order the child to pay an
12 administrative assessment pursuant to NRS 62E.270.

13 4. If the juvenile court orders a child to pay a fine and
14 administrative assessment pursuant to this section and the child
15 willfully fails to pay the fine or administrative assessment, the
16 juvenile court may order that the driver's license of the child be
17 suspended for at least 30 days but not more than 90 days or, if the
18 child does not possess a driver's license, prohibit the child from
19 receiving a driver's license for at least 30 days but not more than
20 90 days:

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

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

26 ↳ If the child is already the subject of a court order suspending or
27 delaying the issuance of the driver's license of the child, the
28 juvenile court shall order the additional suspension or delay, as
29 appropriate, to apply consecutively with the previous order.

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

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

37 (b) To and from school; or

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

41 **Sec. 6.** NRS 62E.270 is hereby amended to read as follows:

42 62E.270 1. If the juvenile court imposes a fine against:

43 (a) A delinquent child pursuant to NRS 62E.730;

44 (b) A child who has committed a minor traffic offense, except
45 an offense related to metered parking, pursuant to NRS 62E.700; or



1 (c) A child in need of supervision, or the parent or guardian
2 of the child, because the child is a habitual truant pursuant to
3 NRS 62E.430,

4 ➔ the juvenile court shall order the child or the parent or guardian
5 of the child to pay an administrative assessment of \$10 in addition
6 to the fine.

7 2. *If, pursuant to section 5 of this act, the juvenile court*
8 *imposes a fine against a child who has committed an offense*
9 *related to tobacco, the juvenile court shall order the child to pay*
10 *an administrative assessment of \$10 in addition to the fine.*

11 3. The juvenile court shall state separately on its docket the
12 amount of money that the juvenile court collects for the
13 administrative assessment.

14 ~~13.1~~ 4. If the child is found not to have committed the alleged
15 act or the charges are dropped, the juvenile court shall return to the
16 child or the parent or guardian of the child any money deposited
17 with the juvenile court for the administrative assessment.

18 ~~14.1~~ 5. On or before the fifth day of each month for the
19 preceding month, the clerk of the court shall pay to the county
20 treasurer the money the juvenile court collects for administrative
21 assessments.

22 ~~15.1~~ 6. On or before the 15th day of each month, the county
23 treasurer shall deposit the money in the county general fund for
24 credit to a special account for the use of the county's juvenile court
25 or for services to delinquent children.

26 **Sec. 6.5.** NRS 62E.400 is hereby amended to read as follows:

27 62E.400 1. The provisions of this section and NRS 62E.410,
28 62E.420 and 62E.430 *and section 5 of this act* apply to the
29 disposition of a case involving a child who is found to be within the
30 purview of this title because the child is or is alleged to be in need of
31 supervision.

32 2. If such a child is found to be within the purview of this title:

33 (a) The juvenile court may issue any orders or take any actions
34 set forth in NRS 62E.410, 62E.420 and 62E.430 *and section 5 of*
35 *this act* that the juvenile court deems proper for the disposition of
36 the case; and

37 (b) If required by a specific statute, the juvenile court shall issue
38 the appropriate orders or take the appropriate actions set forth in the
39 statute.

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

41 **Sec. 8.** (Deleted by amendment.)

42 **Sec. 9.** (Deleted by amendment.)



1 **Sec. 10.** Chapter 202 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, a child who is*
4 *under the age of 18 years shall not:*

5 (a) *Purchase or attempt to purchase tobacco products;*

6 (b) *Possess or attempt to possess tobacco products;*

7 (c) *Use tobacco products; or*

8 (d) *Falsely represent that he or she is 18 years of age or older*
9 *to purchase, possess or obtain tobacco products.*

10 2. *A child who is under the age of 18 years and who violates*
11 *the provisions of this section:*

12 (a) *Commits an offense related to tobacco and is subject to the*
13 *provisions of section 5 of this act.*

14 (b) *Is a child in need of supervision, as that term is used in title*
15 *5 of NRS, and is not a delinquent child.*

16 3. *The provisions of this section do not apply to a child who is*
17 *under the age of 18 years and who is:*

18 (a) *Assisting in an inspection pursuant to NRS 202.2496;*

19 (b) *Handling or transporting tobacco products in the course of*
20 *his or her lawful employment; or*

21 (c) *Handling or transporting tobacco products in the presence*
22 *of his or her parent, spouse or legal guardian who is 18 years of*
23 *age or older.*

24 4. *As used in this section, “tobacco products” means*
25 *cigarettes, cigarette paper, tobacco of any description or products*
26 *made from tobacco.*

27 **Sec. 11.** NRS 202.2485 is hereby amended to read as follows:

28 202.2485 As used in NRS 202.2485 to 202.2497, inclusive ~~†~~,
29 *and section 10 of this act:*

30 1. “Distribute” includes furnishing, giving away or providing
31 products made from tobacco or samples thereof at no cost to
32 promote the product, whether or not in combination with a sale.

33 2. “Health authority” means the district health officer in a
34 district, or his or her designee, or, if none, the State Health Officer,
35 or his or her designee.

