

NEVADA STATE LAW (Effective October 1, 2005)

Senate Bill No. 287—Senator Wiener Joint Sponsor: Assemblyman Horne

CHAPTER.....

AN ACT relating to crimes; prohibiting a person from knowingly and intentionally leaving a child who is 7 years of age or younger in a motor vehicle without certain supervision in certain circumstances; authorizing a prosecuting attorney to inquire into and inspect sealed records concerning such an offense under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides criminal penalties for the abuse, neglect or endangerment of a child. Such penalties include punishment for a category A felony with the possibility of imprisonment for life if the child suffers substantial bodily harm or punishment for a category B felony or a category C felony depending on the circumstances. (NRS 200.508-200.5085) In addition, existing law authorizes the district attorney to refer a person who is suspected of committing an act that may constitute abuse and neglect of a child for treatment and counseling. (NRS 200.5081)

This bill prohibits a parent, legal guardian or other person who is responsible for a child who is 7 years of age or younger from knowingly and intentionally leaving the child in a motor vehicle without the supervision of a person who is at least 12 years of age if: (1) the conditions present a significant risk to the health and safety of the child; or (2) the engine of the motor vehicle is running or the keys to the vehicle are in the ignition. A person who violates this provision is guilty of a misdemeanor. However, this bill allows a court to suspend the proceedings and dismiss the proceedings if the person completes an educational program satisfactory to the court. This bill further provides that the penalties of this provision do not apply if the person may be prosecuted under another provision of law. Thus, if the conduct of the parent, legal guardian or other person rises to the level of abuse or neglect of the child, this provision would not apply.

Existing law provides for the sealing of records related to the arrest and prosecution of a person for a crime, including the sealing of records after charges are dismissed or a person is acquitted of the charges. (NRS 179.255) After the records are sealed, all proceedings related to the record are deemed never to have occurred. (NRS 179.285) Nevertheless, in limited circumstances, certain persons may inspect sealed records. (NRS 179.301)

This bill amends the provision which authorizes certain persons to inspect sealed records to authorize a prosecuting attorney to inquire into and inspect such records if: (1) the records relate to a violation or alleged violation of the prohibition on leaving a child who is 7 years of age or younger in a motor vehicle without the required supervision; and (2) the person who is the subject of the records has been arrested or issued a citation for a violation of that provision.