

SENATE BILL NO. 410—SENATOR OHRENSCHALL

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juvenile justice. (BDR 5-1026)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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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; revising provisions governing employment with a department of juvenile justice services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners of such a county has not established a department of juvenile justice services, the juvenile court is required to: (1) establish by court order a probation committee; and (2) appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370)

Existing law: (1) authorizes a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee who has charges pending against him or her for certain crimes; (2) requires a department of juvenile justice services to allow an employee not more than 180 calendar days after arrest to resolve the pending charges before terminating the employee; and (3) authorizes a department of juvenile justice services to allow an employee additional time to resolve the pending charges before terminating the employee. (NRS 62G.225) **Section 1** of this bill instead requires a department of juvenile justice services to allow such an employee not more than 270 calendar days after arraignment to resolve the pending criminal charges before terminating the employee, unless the employee was granted additional time to resolve the pending criminal charges.

Existing law requires a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee who has had a substantiated report of child abuse or neglect made against him or her after allowing the applicant or employee time to correct certain information received by



26 the department. (NRS 62G.225) Under existing law, an agency which provides
27 child welfare services is required to assign a disposition of substantiated to a report
28 concerning the possible abuse or neglect of a child if, upon the conclusion of an
29 investigation of the report, the agency has determined that the alleged abuse or
30 neglect occurred and was committed by the person named in the report as allegedly
31 causing the abuse or neglect. (NRS 432B.305) Existing law also grants the person
32 against whom a report was made the right to request an administrative appeal of the
33 substantiation of the report. (NRS 432B.317) **Section 1** defines “substantiated
34 report of child abuse or neglect” for purposes of requirements relating to an
35 applicant for employment with the department of juvenile justice services or an
36 employee of the department of juvenile justice services to mean a report of child
37 abuse or neglect that: (1) has been assigned a disposition of substantiated; and (2) is
38 not the subject of an administrative appeal.

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

1 **Section 1.** NRS 62G.225 is hereby amended to read as
2 follows:

3 62G.225 1. If the report from the Federal Bureau of
4 Investigation forwarded to the department of juvenile justice
5 services pursuant to subsection 5 of NRS 62G.223, the information
6 received by the department of juvenile justice services pursuant to
7 subsection 2 of NRS 62G.223 or evidence from any other source
8 indicates that an applicant for employment with the department of
9 juvenile justice services, or an employee of the department of
10 juvenile justice services:

11 (a) Has charges pending against him or her for a crime listed in
12 paragraph (a) of subsection 1 of NRS 62G.223, the department of
13 juvenile justice services:

14 (1) May deny employment to the applicant after allowing the
15 applicant time to correct the information as required pursuant to
16 subsection 2; or

17 (2) May terminate the employee after allowing the employee
18 time to correct the information as required pursuant to subsection 2
19 or 3, or resolve the pending charges pursuant to subsection 4,
20 whichever is applicable; ~~or~~

21 (b) Has been convicted of a crime listed in paragraph (a) of
22 subsection 1 of NRS 62G.223, ~~has had a substantiated report of~~
23 ~~child abuse or neglect made against him or her or has not been~~
24 ~~satisfactorily cleared by a central registry described in paragraph (b)~~
25 ~~of subsection 2 of NRS 62G.223,] the department of juvenile justice~~
26 services shall deny employment to the applicant or terminate the
27 employment of the employee after allowing the applicant or
28 employee time to correct the information as required pursuant to
29 subsection 2 ; or ~~[3, whichever is applicable.]~~



1 (c) *Has had a substantiated report of child abuse or neglect*
2 *made against him or her or has not been satisfactorily cleared by a*
3 *central registry described in paragraph (b) of subsection 2 of NRS*
4 *62G.223, the department of juvenile justice services shall deny*
5 *employment to the applicant or terminate the employment of the*
6 *employee after allowing the applicant or employee time to correct*
7 *the information as required pursuant to subsection 3.*

8 2. If an applicant for employment or an employee believes that
9 the information in the report from the Federal Bureau of
10 Investigation forwarded to the department of juvenile justice
11 services pursuant to subsection 5 of NRS 62G.223 is incorrect, the
12 applicant or employee must inform the department of juvenile
13 justice services immediately. A department of juvenile justice
14 services that is so informed shall give the applicant or employee a
15 reasonable amount of time of not less than 30 days to correct the
16 information.

17 3. If an employee believes that the information received by the
18 department of juvenile justice services pursuant to subsection 2 of
19 NRS 62G.223 is incorrect, the employee must inform the
20 department of juvenile justice services immediately. A department
21 of juvenile justice services that is so informed shall give the
22 employee a reasonable amount of time of not less than 60 days to
23 correct the information.

24 4. If an employee has pending charges against him or her for a
25 crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the
26 department of juvenile justice services shall allow the employee a
27 reasonable time of not more than ~~180~~ 270 calendar days after
28 ~~arrest~~ arraignment to resolve the pending charges against the
29 employee. Upon request and good cause shown, the department of
30 juvenile justice services may allow the employee additional time to
31 resolve the pending charges against the employee.

32 5. During the period in which an employee seeks to correct
33 information pursuant to subsection 2 or 3, or resolve pending
34 charges against the employee pursuant to subsection 4, the
35 employee:

36 (a) Shall not have contact with a child or a relative or guardian
37 of a child in the course of performing any duties as an employee of
38 the department of juvenile justice services.

39 (b) May be placed on leave without pay.

40 6. If the department of juvenile justice services places an
41 employee who is a peace officer on leave without pay pending the
42 outcome of a criminal prosecution, the department of juvenile
43 justice services shall award the employee back pay for the duration
44 of the unpaid leave if:



1 (a) The charges against the employee are dismissed or the
2 employee is found not guilty at trial; and

3 (b) The employee is not subjected to punitive action in
4 connection with the alleged misconduct.

5 7. The department of juvenile justice services may offset any
6 other income earned by the employee during the duration of the
7 unpaid leave against any back pay awarded to the employee
8 pursuant to this section.

9 8. The provisions of subsection 5 are not disciplinary in nature
10 and must not be construed as preventing the department of juvenile
11 justice services from initiating departmental disciplinary procedures
12 against an employee during the period in which an employee seeks
13 to correct information pursuant to subsection 2 or 3, or resolve
14 pending charges against the employee pursuant to subsection 4.

15 9. A termination of employment pursuant to this section
16 constitutes dismissal for cause for the purposes of NRS 62G.220.

17 10. As used in this section ~~[, "peace"]~~:

18 (a) *"Peace officer"* means any person upon whom some or all of
19 the powers of a peace officer are conferred pursuant to NRS
20 289.150 to 289.360, inclusive.

21 (b) *"Substantiated report of child abuse or neglect" means a*
22 *report concerning the possible abuse or neglect of a child that:*

23 (1) *Has been assigned a disposition of substantiated*
24 *pursuant to NRS 432B.305; and*

25 (2) *Is not the subject of an administrative appeal pursuant*
26 *to NRS 432B.317.*

27 **Sec. 2.** This act becomes effective on July 1, 2023.

