

SENATE BILL NO. 8—SENATOR TOWNSEND (BY REQUEST)

PREFILED DECEMBER 11, 2006

Referred to Committee on Human Resources and Education

SUMMARY—Provides that the repeated misuse of alcoholic beverages or controlled substances by a person who is responsible for a child's welfare constitutes prima facie evidence of negligent treatment or maltreatment of the child under certain circumstances. (BDR 38-245)

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 protection of children; providing that the repeated misuse of alcoholic beverages or controlled substances by a person who is responsible for a child's welfare constitutes prima facie evidence of negligent treatment or maltreatment of the child under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, negligent treatment or maltreatment of a child constitutes
2 neglect of the child for the purposes of criminal liability and for the purposes of
3 determining whether the child is in need of protection. (NRS 200.508, chapter 432B
4 of NRS) Negligent treatment or maltreatment of a child occurs if a child has been
5 abandoned, is without proper care, control and supervision or lacks the subsistence,
6 education, shelter, medical care or other care necessary for the well-being of the
7 child because of the faults or habits of the person responsible for his welfare or his
8 neglect or refusal to provide them when able to do so. (NRS 432B.140) The
9 provisions of this bill, which are patterned after laws in Illinois and New York,
10 state that the repeated misuse of alcoholic beverages or controlled substances by a
11 person who is responsible for a child's welfare constitutes prima facie evidence of
12 negligent treatment or maltreatment of the child under certain circumstances.



* S B 8 *

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

Section 1. NRS 432B.140 is hereby amended to read as follows:

432B.140 **1.** Negligent treatment or maltreatment of a child occurs if a child has been abandoned, is without proper care, control and supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for his welfare or his neglect or refusal to provide them when able to do so.

2. *Except as otherwise provided in subsection 3, it constitutes prima facie evidence that negligent treatment or maltreatment of a child is occurring or has occurred if a person responsible for the child's welfare repeatedly misuses alcoholic beverages or controlled substances to the extent that it has the effect of producing in the person:*

(a) A substantial state of stupor, unconsciousness, intoxication, hallucination, disorientation or incompetence;

(b) A substantial impairment of judgment; or

(c) A substantial manifestation of irrationality.

3. *The provisions of subsection 2 do not apply to a person who is regularly participating in a program of treatment for the abuse of alcohol or drugs which is certified by the Health Division of the Department of Health and Human Services.*

Sec. 2. This act becomes effective upon passage and approval.

