

Amendment No. 747

Assembly Amendment to Senate Bill No. 314

(BDR 11-880)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SRT/BFG



Date: 5/19/2013

S.B. No. 314—Provides that the right of parents to make choices regarding the upbringing, education and care of their children is a fundamental right. (BDR 11-880)



SENATE BILL NO. 314—SENATOR DENIS

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Provides that the right of parents to make choices regarding the ~~upbringing, education and~~ care, custody and management of their children is a fundamental right. (BDR 11-880)

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 parentage; providing that the right of a parent to make decisions regarding the ~~upbringing, education and~~ care, custody and management of his or her child is a fundamental right; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that the ~~right~~ liberty interest of a parent ~~to direct in the upbringing, education and~~ care, custody and management of his or her child is a fundamental right. ~~Under this bill, in implementing a statute, local ordinance or regulation, the State or any agency, instrumentality or political subdivision of the State is prohibited from violating this right without demonstrating a compelling governmental interest that as applied to the child involved is of the highest order.~~ This bill also provides that this fundamental right does not: (1) authorize a parent to engage in unlawful conduct or to abuse or neglect a child; or (2) prohibit courts, law enforcement officers or agencies which provide child welfare services from acting within their official capacity.

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

Section 1. Chapter 126 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The liberty interest of a parent ~~to direct the upbringing, education and in the care~~ custody and management of the parent's child is a fundamental right. ~~The State of Nevada or any agency, instrumentality or political subdivision of the State shall not violate this right without demonstrating a compelling governmental interest that as applied to the child involved is of the highest order.~~

2. Nothing in this section shall be construed to:

(a) Authorize a parent to engage in any unlawful conduct or to abuse or neglect a child in violation of the laws of this State.

1 (b) Prohibit courts, law enforcement officers or employees of an agency
2 which provides child welfare services from acting in their official capacity within
3 the scope of their authority.

4 3. Except as otherwise provided by specific statute, the provisions of this
5 section apply to any statute, local ordinance or regulation and the
6 implementation of such statute, local ordinance or regulation regardless of
7 whether such statute, local ordinance or regulation was adopted or effective
8 before, on or after October 1, 2013.

9 4. As used in this section, "agency which provides child welfare services"
10 has the meaning ascribed to it in NRS 432B.030.