

Amendment No. 138

Senate Amendment to Senate Bill No. 108	(BDR 14-549)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 108 (§ 1).
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ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

JDK/BAW



Date: 4/12/2021

S.B. No. 108—Establishes provisions relating to the administration of justice.  
(BDR 14-549)





## SENATE BILL NO. 108—COMMITTEE ON JUDICIARY

FEBRUARY 9, 2021

(ON BEHALF OF THE NEVADA YOUTH LEGISLATURE)

Referred to Committee on Judiciary

SUMMARY—Establishes provisions relating to ~~the administration of~~ juvenile justice. (BDR ~~14-549~~ 5-549)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 ~~the administration of~~ juvenile justice; requiring any person ~~employed in the criminal justice system~~ who during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete periodic training relating to implicit bias and cultural competency; requiring the ~~Attorney General~~ Division of Child and Family Services of the Department of Health and Human Services to adopt regulations concerning such training; ~~requiring any person who files with a court a petition commencing a juvenile proceeding to file an affidavit certifying certain information; prohibiting a court from accepting a petition commencing a juvenile proceeding unless the petition is accompanied by such an affidavit;~~ authorizing the Nevada Supreme Court to adopt additional court rules concerning such training for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with such juveniles; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes various provisions relating to ~~criminal procedure~~ juvenile justice in this State. (Title ~~14~~ 5 of NRS) **Section 1** of this bill requires any person who ~~is employed in the criminal justice system~~ during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete, in addition to any other required training and generally at least once every 2 years, training relating to implicit bias and cultural competency. **Section 1** also requires that such training include certain specific instruction relating to implicit bias and

8 cultural competency. Additionally, **section 1**: (1) requires the ~~[Attorney General]~~ **Division of**  
9 **Child and Family Services of the Department of Health and Human Services** to adopt  
10 regulations concerning such training; and (2) authorizes the ~~[Attorney General]~~ **Division of**  
11 **Child and Family Services** to consult with any person whose assistance the ~~[Attorney~~  
12 ~~General]~~ **Division of Child and Family Services** determines will be helpful when adopting  
13 such regulations.

14 ~~[Existing law also establishes provisions specifically relating to the procedure before~~  
15 ~~adjudication in juvenile proceedings in this State. (Chapter 62C of NRS) Section 2 of this bill~~  
16 ~~requires any person who files with a court a petition that commences a juvenile proceeding to~~  
17 ~~also file an affidavit certifying that: (1) every person who was involved in the decision to file~~  
18 ~~the petition and who is required to complete the training set forth in section 1 has completed~~  
19 ~~such training; and (2) the petition is not being filed as a result of any inappropriate~~  
20 ~~discrimination on the basis of any protected class or characteristic. Section 2 also prohibits a~~  
21 ~~court from accepting any petition that commences a juvenile proceeding unless the petition is~~  
22 ~~accompanied by such an affidavit.] Section 1 also authorizes the Nevada Supreme Court to~~  
23 ~~adopt additional court rules concerning such training for any magistrate, judge, master~~  
24 ~~or employee in the juvenile court system who regularly and routinely comes into contact~~  
25 ~~with such juveniles.~~

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

1 **Section 1.** Chapter ~~[69]~~ **62B** of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

3 **1. Any person who ~~[is employed in the criminal justice system]~~, during the**  
4 **~~scope of his or her employment has regular and routine contact with juveniles~~**  
5 **~~who are involved in the juvenile justice system in this State, including, without~~**  
6 **~~limitation, any [magistrate, master,] prosecuting attorney, public defender, peace~~**  
7 **~~officer, probation officer, juvenile correctional officer, employee of a state or~~**  
8 **~~local facility for the detention of children, employee of a regional facility for the~~**  
9 **~~treatment and rehabilitation of children or employee of a [court,] prosecuting~~**  
10 **~~attorney's office or public defender's office, for employee of the Department of~~**  
11 **~~Corrections or the Division of Parole and Probation of the Department of Public~~**  
12 **~~Safety,]~~ shall complete, in addition to any other required training, training**  
13 **~~relating to implicit bias and cultural competency~~ ~~[-]~~ **provided by his or her****  
14 **~~employer pursuant to the regulations adopted pursuant to subsection 3. Unless~~**  
15 **~~the regulations adopted by the [Attorney General] Division of Child and Family~~**  
16 **~~Services pursuant to subsection 3 provide otherwise, such training relating to~~**  
17 **~~implicit bias and cultural competency must be completed at least once every 2~~**  
18 **~~years.~~**

19 **2. The training required by subsection 1 must include, without limitation,**  
20 **instruction that:**

21 **(a) Explains what implicit bias is, where implicit bias comes from, the**  
22 **importance of understanding implicit bias and the negative impacts of implicit**  
23 **bias, and offers examples of actions that can be taken to reduce implicit bias;**

24 **(b) Provides information regarding cultural competency, including, without**  
25 **limitation, sensitivity to the needs of children, lesbian, gay, bisexual and**  
26 **transgender persons, racial and ethnic minorities, religious minorities and**  
27 **women; and**

28 **(c) Provides information regarding:**

29 **(1) Socioeconomic conditions in various areas in this State; ~~[and]~~**

30 **(2) Historical inequities in the juvenile justice and criminal justice**  
31 **systems ~~[-]~~; and**

(3) The impact of trauma and adverse child experiences on the decision making and behaviors of children.

3. The ~~Attorney General~~ Division of Child and Family Services shall adopt regulations to carry out the provisions of this section. When adopting such regulations, the ~~Attorney General~~ Division of Child and Family Services may consult with any person whose assistance the ~~Attorney General~~ Division of Child and Family Services determines will be helpful.

4. The Nevada Supreme Court may provide by court rule for continuing appropriate training concerning implicit bias and cultural competency, incorporating the elements identified in subsection 2, for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with juveniles who are involved in the juvenile justice system.

5. As used in this section, "cultural competency" means an understanding of how people and institutions can respond respectfully and effectively to people of all cultures, economic statuses, language backgrounds, races, ethnic backgrounds, disabilities, religions, genders, gender identities or expressions, sexual orientations, veteran statuses and other characteristics in a manner that recognizes, affirms and values the worth and preserves the dignity of people, families and communities.

Sec. 2. ~~Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Any person who files with a court a petition that commences a juvenile proceeding shall also file an affidavit executed by the person which certifies that:~~

~~(a) Every person who was involved in the decision to file the petition and is subject to the provisions of section 1 of this act has completed the training required by that section; and~~

~~(b) The petition is not being filed as a result of any inappropriate discrimination on the basis of any protected class or characteristic.~~

~~2. A court shall not accept any petition that commences a juvenile proceeding unless the petition is accompanied by the affidavit required pursuant to subsection 1.~~ (Deleted by amendment.)

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) ~~On January 1, 2022.~~ Nine months after the date on which the regulations adopted by the Division of Child and Family Services of the Department of Health and Human Services pursuant to section 1 of this act become effective for all other purposes.