

SENATE BILL NO. 21—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DIVISION OF CHILD AND  
FAMILY SERVICES OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

**SUMMARY**—Revises requirements relating to background investigations conducted by certain institutions, agencies and facilities that serve children. (BDR 5-303)

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

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the protection of children; revising requirements relating to background investigations for certain applicants for employment with, and employees of, certain institutions, agencies and facilities that serve children; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires public or private institutions and agencies to which a juvenile court commits a child to conduct background investigations of employees of such institutions and agencies. (NRS 62B.270) Existing law also requires agencies which provide child welfare services to conduct background investigations of applicants for employment with, and employees of, such agencies. (NRS 432B.198) Existing law additionally requires certain facilities which provide residential mental health treatment to children to conduct background investigations of employees of such facilities. (NRS 433B.183) Such background investigations are conducted for the purpose of determining whether an applicant or employee has been convicted of certain specified crimes and, with respect to agencies which provide child welfare services, whether an applicant or employee has charges pending against him or her for any such crime. (NRS 62B.270, 432B.198, 433B.183) If the results of a background investigation correctly provide that an applicant or employee has been convicted of any such crime, the application for employment or the employment of the person must be denied or terminated, respectively. (NRS 62B.275, 432B.199, 433B.185) Additionally, if the results of a



background investigation conducted by an agency which provides child welfare services correctly provide that an applicant or employee has charges pending against him or her for any such crime, the application for employment or the employment of the person may be denied or terminated, respectively. (NRS 432B.199)

**Sections 1, 3 and 5** of this bill revise the specified crimes authorizing or requiring, as applicable, the denial of an application for employment or the termination of employment with such an institution, agency or facility to ensure uniformity in background investigations conducted by each such institution, agency or facility. For the purposes of conforming with background investigations conducted by agencies which provide child welfare services, **sections 1 and 5** also provide that, in addition to determining whether an employee has been convicted of certain specified crimes, the purpose of a background investigation conducted by public or private institutions and agencies to which a juvenile court commits a child and certain facilities which provide residential mental health treatment to children is to determine whether an employee has criminal charges pending against him or her for a specified crime. Accordingly, **sections 2 and 6** of this bill provide that if such an employee has criminal charges pending against him or her for a specified crime, his or her employment may be terminated.

Existing law also requires: (1) an employee of a public or private institution or agency to which a juvenile court commits a child or a facility which provides residential mental health treatment to children to submit two complete sets of his or her fingerprints as part of a background investigation; and (2) an applicant for employment with, or an employee of, an agency which provides child welfare services to submit one complete set of his or her fingerprints as part of a background investigation. (NRS 62B.270, 432B.198, 433B.183) **Sections 1 and 5** require an employee of a public or private institution or agency to which a juvenile court commits a child or a facility which provides residential mental health treatment to children to submit one complete set of his or her fingerprints as part of a background investigation instead of two sets of fingerprints.

Existing law authorizes a public institution or agency to which a juvenile court commits a child, the licensing authority of a private institution to which a juvenile court commits a child and the Division of Child and Family Services of the Department of Health and Human Services to charge an employee who is the subject of a background investigation the reasonable cost of the investigation. (NRS 62B.270, 433B.183) **Section 3** similarly authorizes an agency which provides child welfare services to charge an applicant or employee who is the subject of a background investigation the reasonable cost of the investigation.

---

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

**Section 1.** NRS 62B.270 is hereby amended to read as follows:

62B.270 1. A public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each employee of the institution or agency to determine ~~whether~~ :



- 1       (a) *Whether* the employee has been convicted of:  
2       ~~[(a)]~~ (1) Murder, voluntary manslaughter , *involuntary*  
3       *manslaughter* or mayhem;  
4       ~~[(b)]~~ (2) Any other felony involving *the use or threatened use*  
5       *of force or violence or* the use of a firearm or other deadly weapon;  
6       ~~[(c)]~~ (3) Assault with intent to kill or to commit sexual assault  
7       or mayhem;  
8       ~~[(d)]~~ (4) *Battery which results in substantial bodily harm to*  
9       *the victim;*  
10       (5) *Battery that constitutes domestic violence that is*  
11       *punishable as a felony;*  
12       (6) *Battery that constitutes domestic violence, other than a*  
13       *battery described in subparagraph (5), within the immediately*  
14       *preceding 3 years;*  
15       (7) Sexual assault, statutory sexual seduction, incest,  
16       lewdness, indecent exposure , *an offense involving pornography*  
17       *and a minor* or any other sexually related crime;  
18       ~~[(e)]~~ (8) *A crime involving pandering or prostitution,*  
19       *including, without limitation, a violation of any provision of NRS*  
20       *201.295 to 201.440, inclusive;*  
21       (9) Abuse or neglect of a child ~~for contributory delinquency;~~  
22       ~~—[(f)]~~ , *including, without limitation, a violation of any provision*  
23       *of NRS 200.508 or 200.5083;*  
24       (10) A violation of any federal or state law regulating the  
25       possession, distribution or use of any controlled substance or any  
26       dangerous drug as defined in chapter 454 of NRS ~~;~~  
27       ~~—[(g)]~~ *within the immediately preceding 3 years;*  
28       (11) *A violation of any federal or state law prohibiting*  
29       *driving or being in actual physical control of a vehicle while under*  
30       *the influence of intoxicating liquor or a controlled substance that*  
31       *is punishable as a felony;*  
32       (12) *A violation of any federal or state law prohibiting*  
33       *driving or being in actual physical control of a vehicle while under*  
34       *the influence of intoxicating liquor or a controlled substance,*  
35       *other than a violation described in subparagraph (11), within the*  
36       *immediately preceding 3 years;*  
37       (13) Abuse, neglect, exploitation, isolation or abandonment  
38       of older persons or vulnerable persons, including, without  
39       limitation, a violation of any provision of NRS 200.5091 to  
40       200.50995, inclusive, or a law of any other jurisdiction that  
41       prohibits the same or similar conduct; or  
42       ~~[(h)]~~ (14) Any offense involving *arson*, fraud, theft,  
43       embezzlement, burglary, robbery, fraudulent conversion , ~~for~~  
44       misappropriation of property *or perjury* within the immediately  
45       preceding 7 years ~~;~~ *or*



1 *(b) Whether there are criminal charges pending against the*  
2 *employee for a crime listed in paragraph (a).*

3 2. An employee of the public or private institution or agency  
4 must submit to the public institution or agency or the licensing  
5 authority, as applicable, ~~{two}~~ a complete ~~{sets}~~ set of fingerprints  
6 and written authorization to forward those fingerprints to the Central  
7 Repository for Nevada Records of Criminal History for submission  
8 to the Federal Bureau of Investigation for its report.

9 3. The public institution or agency or the licensing authority, as  
10 applicable, may exchange with the Central Repository or the Federal  
11 Bureau of Investigation any information concerning the fingerprints  
12 submitted.

13 4. The public institution or agency or the licensing authority, as  
14 applicable, may charge an employee investigated pursuant to this  
15 section for the reasonable cost of that investigation.

16 5. When a report from the Federal Bureau of Investigation is  
17 received by the Central Repository, the Central Repository shall  
18 immediately forward a copy of the report to the public institution or  
19 agency or the licensing authority, as applicable, for a determination  
20 of whether the employee *has criminal charges pending against*  
21 *him or her for a crime listed in paragraph (a) of subsection 1 or*  
22 *has been convicted of a crime listed in paragraph (a) of*  
23 *subsection 1.*

24 6. A person who is required to submit to an investigation  
25 required pursuant to this section shall not have contact with a child  
26 without supervision in a public or private institution or agency to  
27 which a juvenile court commits a child, including, without  
28 limitation, a facility for the detention of children, before the  
29 investigation of the background and personal history of the person  
30 has been conducted.

31 7. The public institution or agency or the licensing authority, as  
32 applicable, shall conduct an investigation of each employee of the  
33 institution or agency pursuant to this section at least once every 5  
34 years after the initial investigation.

35 **Sec. 2.** NRS 62B.275 is hereby amended to read as follows:

36 62B.275 1. Upon receiving information from the Central  
37 Repository for Nevada Records of Criminal History pursuant to  
38 NRS 62B.270 or evidence from any other source that an employee  
39 of a public institution or agency to which a juvenile court commits a  
40 child or the licensing authority of a private institution to which  
41 a juvenile court commits a child, including, without limitation, a  
42 facility for the detention of children ~~{,has}~~ :

43 *(a) Has criminal charges pending against him or her for a*  
44 *crime listed in NRS 62B.270:*



(1) *The public institution or agency may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or*

(2) *The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or*

(b) *Has* been convicted of a crime listed in NRS 62B.270:

~~[(a)]~~ (1) The public institution or agency shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

~~[(b)]~~ (2) The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2.

2. If an employee believes that the information provided to the public institution or agency or the licensing authority by the Central Repository pursuant to NRS 62B.270 is incorrect, the employee must inform his or her employing institution or agency immediately. An institution or agency that is so informed shall give the employee a reasonable amount of time of not less than 30 days to correct the information.

3. During the period in which an employee seeks to correct information pursuant to subsection 2, it is within the discretion of the employing institution or agency whether to allow the employee to continue to work for the institution or agency, as applicable, except that the employee shall not have contact with a child in the institution or agency without supervision during such period.

**Sec. 3.** NRS 432B.198 is hereby amended to read as follows:

432B.198 1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any *other* felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;



(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure, ~~for~~ an offense involving pornography and a minor ~~or any other sexually related crime;~~

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 ; ~~for contributory delinquency;~~

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~or~~ *within the immediately preceding 3 years;*

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a ~~violation of an offense~~ *crime* listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and



(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. *An agency which provides child welfare services may charge an applicant for employment or an employee investigated pursuant to this section for the reasonable cost of that investigation.*

6. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

~~[6-]~~ 7. An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.

~~[7-]~~ 8. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

**Sec. 4.** NRS 432B.199 is hereby amended to read as follows:

432B.199 1. If the report from the Federal Bureau of Investigation forwarded to an agency which provides child welfare services pursuant to subsection ~~[5]~~ 6 of NRS 432B.198, the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 or evidence





1 from any other source indicates that an applicant for employment  
2 with the agency, or an employee of the agency:

3 (a) Has *criminal* charges pending against him or her for a crime  
4 listed in paragraph (a) of subsection 1 of NRS 432B.198, the agency  
5 may deny employment to the applicant or terminate the employment  
6 of the employee after allowing the applicant or employee time to  
7 correct the information as required pursuant to subsection 2 or 3,  
8 whichever is applicable; or

9 (b) Has been convicted of a crime listed in paragraph (a) of  
10 subsection 1 of NRS 432B.198, has had a substantiated report of  
11 child abuse or neglect made against him or her or has not been  
12 satisfactorily cleared by a central registry described in paragraph (b)  
13 of subsection 2 of NRS 432B.198, the agency shall deny  
14 employment to the applicant or terminate the employment of the  
15 employee after allowing the applicant or employee time to correct  
16 the information as required pursuant to subsection 2 or 3, whichever  
17 is applicable.

18 2. If an applicant for employment or an employee believes that  
19 the information in the report from the Federal Bureau of  
20 Investigation forwarded to the agency which provides child welfare  
21 services pursuant to subsection ~~5~~ 6 of NRS 432B.198 is incorrect,  
22 the applicant or employee must inform the agency immediately. An  
23 agency that provides child welfare services that is so informed shall  
24 give the applicant or employee a reasonable amount of time of not  
25 less than 30 days to correct the information.

26 3. If an applicant for employment or an employee believes that  
27 the information received by an agency which provides child welfare  
28 services pursuant to subsection 2 of NRS 432B.198 is incorrect, the  
29 applicant or employee must inform the agency immediately. An  
30 agency which provides child welfare services that is so informed  
31 shall give the applicant or employee a reasonable amount of time of  
32 not less than 60 days to correct the information.

33 4. During the period in which an applicant or employee seeks  
34 to correct information pursuant to subsection 2 or 3, the applicant or  
35 employee:

36 (a) Shall not have contact with a child or a relative or guardian  
37 of the child in the course of performing any duties as an employee  
38 of the agency which provides child welfare services.

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

40 5. The provisions of subsection 4 must not be construed as  
41 preventing an agency which provides child welfare services from  
42 initiating internal disciplinary procedures against an employee  
43 during the period in which an employee seeks to correct information  
44 pursuant to subsection 2 or 3.





**Sec. 5.** NRS 433B.183 is hereby amended to read as follows:

433B.183 1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of an employee of the facility to determine ~~{whether}~~:

(a) *Whether* the employee has been convicted of:

~~{(a)}~~ (1) Murder, voluntary manslaughter, *involuntary manslaughter* or mayhem;

~~{(b)}~~ (2) Any other felony involving *the use or threatened use of force or violence or* the use of a firearm or other deadly weapon;

~~{(c)}~~ (3) Assault with intent to kill or to commit sexual assault or mayhem;

~~{(d)}~~ (4) *Battery which results in substantial bodily harm to the victim;*

(5) *Battery that constitutes domestic violence that is punishable as a felony;*

(6) *Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;*

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure, *an offense involving pornography and a minor* or any other sexually related crime;

~~{(e)}~~ (8) *A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;*

(9) Abuse or neglect of a child ~~for contributory delinquency;~~  
~~—{(f)} , including, without limitation, a violation of any provision of NRS 200.508 or 200.5083;~~

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~;~~

~~—{(g)} within the immediately preceding 3 years;~~

(11) *A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;*

(12) *A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;*

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to



200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

~~[(h)]~~ (14) Any offense involving *arson*, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, ~~[or]~~ misappropriation of property *or perjury* within the immediately preceding 7 years ~~[(h)]~~; or

*(b) Whether there are criminal charges pending against the employee for a crime listed in paragraph (a).*

2. An employee must submit to the Division ~~[(two)]~~ a complete ~~[(sets)]~~ set of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The Division may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

*5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the Division for a determination of whether the employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.*

6. An employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the background and personal history of the employee has been conducted.

~~[(6)]~~ 7. The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

**Sec. 6.** NRS 433B.185 is hereby amended to read as follows:

433B.185 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 433B.183 or evidence from any other source that an employee of a division facility that provides residential treatment for children

~~[(has)]~~:

*(a) Has criminal charges pending against him or her for a crime listed in NRS 433B.183, the administrative officer may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or*



1       **(b) Has** been convicted of a crime listed in NRS 433B.183, the  
2 administrative officer shall terminate the employment of  
3 the employee after allowing the employee time to correct the  
4 information as required pursuant to subsection 2.

5       2. If an employee believes that the information provided to the  
6 division facility pursuant to subsection 1 is incorrect, the employee  
7 must inform the division facility immediately. A division facility  
8 that is so informed shall give the employee 30 days to correct the  
9 information.

10       3. During the period in which an employee seeks to correct  
11 information pursuant to subsection 2, it is within the discretion of  
12 the administrative officer whether to allow the employee to continue  
13 to work for the division facility, except that the employee shall not  
14 have contact with a child in the division facility without supervision  
15 during such period.

16       **Sec. 7.** This act becomes effective on July 1, 2021.

