

Amendment No. 416

Senate Amendment to Senate Bill No. 410	(BDR 5-1026)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

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.





## 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. (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~~ ***requires a department of juvenile justice services to obtain a background investigation of applicants for employment with, and employees of, the department. Existing law also requires a department of juvenile justice services to obtain a background investigation of each employee of the department at least once every 5 years after the initial investigation. (NRS 62G.223, 62G.353) Existing law authorizes a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee against whom certain criminal charges are pending. Before terminating an employee against whom certain criminal charges are pending, existing law requires a department of juvenile justice services to allow the employee a reasonable amount of time of not more than 180 calendar days after arrest to resolve the pending charges against the employee. (NRS 62G.225) Section 1 of this bill requires a department of juvenile justice services to allow an employee against whom certain criminal charges are pending additional time to resolve the pending charges if: (1) the charges are***

misdemeanor charges; and (2) through no fault of the employee, the charges have not been filed.

Existing law authorizes a department of juvenile justice services to allow an employee against whom certain criminal charges are pending additional time to resolve the pending charges upon request and for good cause shown. (NRS 62G.225) Section 1 limits the authority of a department of juvenile justice services to allow an employee additional time to resolve pending charges by only authorizing the department to allow the employee additional time to resolve pending misdemeanor charges.

Existing law ~~requires~~ authorizes a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee ~~[who has had] against whom~~ a substantiated report of child abuse or neglect has been made ~~against him or her after allowing the applicant or employee time to correct certain information received by the department. (NRS 62G.225)~~ Under existing law, an agency which provides child welfare services is required to assign a disposition of substantiated to a report concerning the possible abuse or neglect of a child if, upon the conclusion of an investigation of the report, the agency has determined that the alleged abuse or neglect occurred and was committed by the person named in the report as allegedly causing the abuse or neglect. (NRS 432B.305) Existing law also grants the person against whom a report was made the right to request an administrative appeal of the substantiation of the report. (NRS 432B.317) Section 1 defines "substantiated report of child abuse or neglect" for purposes of requirements relating to an applicant for employment with the department of juvenile justice services or an employee of the department of juvenile justice services to mean a report of child abuse or neglect that: (1) has been assigned a disposition of substantiated; and (2) is not the subject of an administrative appeal.] (NRS 62G.225) Before terminating an employee against whom a substantiated report of child abuse or neglect has been made, existing law requires a department of juvenile justice services to allow the employee a reasonable amount of time of not less than 60 calendar days to correct certain information received by the department. (NRS 62G.225) Section 1 requires a department of juvenile justice services to allow an employee who has requested an administrative appeal of the substantiation of a report of child abuse or neglect additional time to correct certain information received by the department if, through no fault of the employee, a hearing on the appeal has not been held or the hearing officer has not issued a decision affirming or rejecting the substantiation of the report.

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

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

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

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

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

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

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.223, the department of juvenile justice

services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 ~~or 3, whichever is applicable.~~

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

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

3. If an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 is incorrect, the employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the employee ~~60~~ :

(a) A reasonable amount of time of not less than 60 days to correct the information.

(b) Additional time to correct the information if the employee has requested an administrative appeal of the substantiation of a report of child abuse or neglect pursuant to NRS 432B.317 and, through no fault of the employee, a hearing has not been held or the hearing officer has not issued a decision affirming or rejecting the substantiation of the report. Any such additional time must not be less than the amount of time necessary for the hearing officer to issue a decision.

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

(a) May, for good cause shown, allow the employee additional time to resolve the pending charges ~~against the employee,~~ if the charges are misdemeanor charges.

(b) Shall allow the employee additional time to resolve the pending charges if:

(1) The charges are misdemeanor charges; and

(2) Through no fault of the employee, the charges have not been filed.

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

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

(b) May use his or her accrued leave or be placed on leave without pay.

6. If the department of juvenile justice services places an employee who is a peace officer on leave without pay pending the outcome of a criminal prosecution,

1 the department of juvenile justice services shall award the employee back pay for  
2 the duration of the unpaid leave if:

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

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

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

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

15 9. A termination of employment pursuant to this section constitutes dismissal  
16 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 the powers of  
19 a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

20 (b) *“Substantiated report of child abuse or neglect” means a report*  
21 *concerning the possible abuse or neglect of a child that ~~is~~*

22 ~~(1) Has~~ *has been assigned a disposition of substantiated pursuant to*  
23 *NRS 432B.305. ~~It and~~*

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

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