

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 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.



\* S B 4 1 0 R 1 \*

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 authorizes a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee against whom a substantiated report of child abuse or neglect has been made. (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.

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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)



1 of subsection 2 of NRS 62G.223, the department of juvenile justice  
2 services shall deny employment to the applicant or terminate the  
3 employment of the employee after allowing the applicant or  
4 employee time to correct the information as required pursuant to  
5 subsection 2 or 3, whichever is applicable.

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

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

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

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

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

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

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

43 (1) *The charges are misdemeanor charges; and*

44 (2) *Through no fault of the employee, the charges have not*  
45 *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, the department of juvenile justice services shall award the employee back pay for the duration of the unpaid leave if:

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

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

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

8. The provisions of subsection 5 are not disciplinary in nature and must not be construed as preventing the department of juvenile justice services from initiating departmental disciplinary procedures against an employee 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.

9. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

10. As used in this section ~~["peace"]~~:

(a) *"Peace officer"* means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

(b) *"Substantiated report of child abuse or neglect" means a report concerning the possible abuse or neglect of a child that has been assigned a disposition of substantiated pursuant to NRS 432B.305.*

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

