

SENATE BILL NO. 317—SENATOR OHRENSCHALL

MARCH 22, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to juvenile justice. (BDR 5-1016)

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

1 Existing law authorizes the board of county commissioners of a county whose
2 population is 700,000 or more (currently Clark County) to establish by ordinance a
3 department of juvenile justice services to administer certain provisions of existing
4 law relating to juvenile delinquency and the abuse and neglect of children. (NRS
5 62G.200-62G.240) If the board of county commissioners of such a county has not
6 established a department of juvenile justice services, the juvenile court is required
7 to: (1) establish by court order a probation committee; and (2) appoint a director of
8 the department of juvenile justice services to administer certain functions of the
9 juvenile court. (NRS 62G.300-62G.370)

10 Existing law authorizes a department of juvenile justice services to deny
11 employment to an applicant or terminate the employment of an employee against
12 whom certain criminal charges are pending. Existing law also: (1) requires a
13 department of juvenile justice services to allow such an employee a reasonable
14 amount of time of not more than 180 days to resolve the pending charges against
15 the employee; and (2) authorizes a department of juvenile justice services to, upon
16 request from the employee and good cause shown, allow the employee additional
17 time to resolve the pending charges against the employee. Existing law further
18 authorizes a department of juvenile justice services to place such an employee on
19 leave without pay during the period in which the employee seeks to resolve the
20 pending charges against the employee. (NRS 62G.225, 62G.355)

21 **Sections 1 and 2** of this bill require a department of juvenile justice services to
22 award back pay to such an employee for the duration of the unpaid leave if: (1) the
23 charges against the employee are dismissed; (2) the employee is found not guilty at
24 trial; or (3) the employee is not subjected to punitive action in connection with the
25 alleged misconduct. **Sections 1 and 2** also specify that the amount of time which



26 existing law requires a department of juvenile justice services to allow such an
27 employee to resolve the pending charges against the employee, which is a
28 reasonable amount of time of not more than 180 days, begins after arrest. **Section 3**
29 of this bill makes the amendatory provisions of this bill applicable to an employee
30 of a department of juvenile justice services who, on or after July 1, 2021, has a
31 pending charge against the employee for an offense alleged to have been committed
32 before, on or after July 1, 2021.

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

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

3 62G.225 1. If the report from the Federal Bureau of
4 Investigation forwarded to the department of juvenile justice
5 services pursuant to subsection 5 of NRS 62G.223, the information
6 received by the department of juvenile justice services pursuant to
7 subsection 2 of NRS 62G.223 or evidence from any other source
8 indicates that an applicant for employment with the department of
9 juvenile justice services, or an employee of the department of
10 juvenile justice services:

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

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

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

21 (b) Has been convicted of a crime listed in paragraph (a) of
22 subsection 1 of NRS 62G.223, has had a substantiated report of
23 child abuse or neglect made against him or her or has not been
24 satisfactorily cleared by a central registry described in paragraph (b)
25 of subsection 2 of NRS 62G.223, the department of juvenile justice
26 services shall deny employment to the applicant or terminate the
27 employment of the employee after allowing the applicant or
28 employee time to correct the information as required pursuant to
29 subsection 2 or 3, whichever is applicable.

30 2. If an applicant for employment or an employee believes that
31 the information in the report from the Federal Bureau of
32 Investigation forwarded to the department of juvenile justice
33 services pursuant to subsection 5 of NRS 62G.223 is incorrect, the
34 applicant or employee must inform the department of juvenile



1 justice services immediately. A department of juvenile justice
2 services that is so informed shall give the applicant or employee a
3 reasonable amount of time of not less than 30 days to correct the
4 information.

5 3. If an employee believes that the information received by the
6 department of juvenile justice services pursuant to subsection 2 of
7 NRS 62G.223 is incorrect, the employee must inform the
8 department of juvenile justice services immediately. A department
9 of juvenile justice services that is so informed shall give the
10 employee a reasonable amount of time of not less than 60 days to
11 correct the information.

12 4. If an employee has pending charges against him or her for a
13 crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the
14 department of juvenile justice services shall allow the employee a
15 reasonable time of not more than 180 days *after arrest* to resolve the
16 pending charges against the employee. Upon request and good cause
17 shown, the department of juvenile justice services may allow the
18 employee additional time to resolve the pending charges against the
19 employee.

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

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

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

28 6. *If the department of juvenile justice services places an*
29 *employee on leave without pay pending the outcome of a criminal*
30 *prosecution, the department of juvenile justice services shall*
31 *award the employee back pay for the duration of the unpaid leave*
32 *if:*

33 (a) *The charges against the employee are dismissed;*

34 (b) *The employee is found not guilty at trial; or*

35 (c) *The employee is not subjected to punitive action in*
36 *connection with the alleged misconduct.*

37 7. The provisions of subsection 5 are not disciplinary in nature
38 and must not be construed as preventing the department of juvenile
39 justice services from initiating departmental disciplinary procedures
40 against an employee during the period in which an employee seeks
41 to correct information pursuant to subsection 2 or 3, or resolve
42 pending charges against the employee pursuant to subsection 4.

43 ~~7.~~ 8. A termination of employment pursuant to this section
44 constitutes dismissal for cause for the purposes of NRS 62G.220.



Sec. 2. NRS 62G.355 is hereby amended to read as follows:

62G.355 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.353, the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.353 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.353, 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 pending charges against the employee 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.353, 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.353, 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.

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.353 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.353 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 a reasonable amount of time of not less than 60 days to correct the information.



1 4. If an employee has pending charges against him or her for a
2 crime listed in paragraph (a) of subsection 1 of NRS 62G.353, the
3 department of juvenile justice services shall allow the employee a
4 reasonable amount of time of not more than 180 days *after arrest* to
5 resolve the pending charges against the employee. Upon request
6 from the employee and good cause shown, the department of
7 juvenile justice services may allow the employee additional time to
8 resolve the pending charges against the employee.

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

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

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

17 6. *If the department of juvenile justice services places an*
18 *employee on leave without pay pending the outcome of a criminal*
19 *prosecution, the department of juvenile justice services shall*
20 *award the employee back pay for the duration of the unpaid leave*
21 *if:*

22 (a) *The charges against the employee are dismissed;*

23 (b) *The employee is found not guilty at trial; or*

24 (c) *The employee is not subjected to punitive action in*
25 *connection with the alleged misconduct.*

26 7. The provisions of subsection 5 are not disciplinary in nature
27 and must not be construed as preventing a department of juvenile
28 justice services from initiating departmental disciplinary procedures
29 against an employee during the period in which an employee seeks
30 to correct information pursuant to subsection 2 or 3, or resolve
31 pending charges against the employee pursuant to subsection 4.

32 ~~7.]~~ 8. A termination of employment pursuant to this section
33 constitutes dismissal for cause for the purposes of NRS 62G.360.

34 **Sec. 3.** The amendatory provisions of this act apply to an
35 employee of a department of juvenile justice services who, on or
36 after July 1, 2021, has a pending charge against the employee for an
37 offense alleged to have been committed before, on or after
38 July 1, 2021.

39 **Sec. 4.** This act becomes effective on July 1, 2021.

