

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:**

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently 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 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. Existing law also: (1) requires a department of juvenile justice services to allow such an employee a reasonable amount of time of not more than 180 days to resolve the pending charges against the employee; and (2) authorizes a department of juvenile justice services to, upon request from the employee and good cause shown, allow the employee additional time to resolve the pending charges against the employee. Existing law further authorizes a department of juvenile justice services to place such an employee on leave without pay during the period in which the employee seeks to resolve the pending charges against the employee. (NRS 62G.225, 62G.355)

**Sections 1 and 2** of this bill require a department of juvenile justice services to award back pay to an employee of the department of juvenile justice services who is a peace officer for the duration of the unpaid leave if: (1) the charges against the employee are dismissed or the employee is found not guilty at trial; and (2) the employee is not subjected to punitive action in connection with the alleged



26 misconduct. **Sections 1 and 2** also specify that the amount of time which existing  
27 law requires a department of juvenile justice services to allow such an employee to  
28 resolve the pending charges against the employee, which is a reasonable amount of  
29 time of not more than 180 days, begins after arrest. **Section 3** of this bill makes the  
30 amendatory provisions of this bill applicable to an employee of a department of  
31 juvenile justice services who, on or after July 1, 2021, has a pending charge against  
32 the employee for an offense alleged to have been committed before, on or after  
33 July 1, 2021.

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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 who is a peace officer on leave without pay pending the*  
30 *outcome of a criminal prosecution, the department of juvenile*  
31 *justice services shall award the employee back pay for the duration*  
32 *of the unpaid leave if:*

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

35 (b) *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.



1 **9. As used in this section, "peace officer" means any person**  
2 **upon whom some or all of the powers of a peace officer are**  
3 **conferred pursuant to NRS 289.150 to 289.360, inclusive.**

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

5 62G.355 1. If the report from the Federal Bureau of  
6 Investigation forwarded to the department of juvenile justice  
7 services pursuant to subsection 5 of NRS 62G.353, the information  
8 received by the department of juvenile justice services pursuant to  
9 subsection 2 of NRS 62G.353 or evidence from any other source  
10 indicates that an applicant for employment with the department of  
11 juvenile justice services, or an employee of the department of  
12 juvenile justice services:

13 (a) Has charges pending against him or her for a crime listed in  
14 paragraph (a) of subsection 1 of NRS 62G.353, the department of  
15 juvenile justice services:

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

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

23 (b) Has been convicted of a crime listed in paragraph (a) of  
24 subsection 1 of NRS 62G.353, has had a substantiated report of  
25 child abuse or neglect made against him or her or has not been  
26 satisfactorily cleared by a central registry described in paragraph (b)  
27 of subsection 2 of NRS 62G.353, the department of juvenile justice  
28 services shall deny employment to the applicant or terminate the  
29 employment of the employee after allowing the applicant or  
30 employee time to correct the information as required pursuant to  
31 subsection 2 or 3, whichever is applicable.

32 2. If an applicant for employment or an employee believes that  
33 the information in the report from the Federal Bureau of  
34 Investigation forwarded to the department of juvenile justice  
35 services pursuant to subsection 5 of NRS 62G.353 is incorrect, the  
36 applicant or employee must inform the department of juvenile  
37 justice services immediately. A department of juvenile justice  
38 services that is so informed shall give the applicant or employee a  
39 reasonable amount of time of not less than 30 days to correct the  
40 information.

41 3. If an employee believes that the information received by the  
42 department of juvenile justice services pursuant to subsection 2 of  
43 NRS 62G.353 is incorrect, the employee must inform the  
44 department of juvenile justice services immediately. A department  
45 of juvenile justice services that is so informed shall give the



1 employee a reasonable amount of time of not less than 60 days to  
2 correct the information.

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

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

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

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

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

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

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

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

34 ~~7.7~~ 8. A termination of employment pursuant to this section  
35 constitutes dismissal for cause for the purposes of NRS 62G.360.

36 9. *As used in this section, "peace officer" means any person  
37 upon whom some or all of the powers of a peace officer are  
38 conferred pursuant to NRS 289.150 to 289.360, inclusive.*

39 **Sec. 3.** The amendatory provisions of this act apply to an  
40 employee of a department of juvenile justice services who, on or  
41 after July 1, 2021, has a pending charge against the employee for an  
42 offense alleged to have been committed before, on or after  
43 July 1, 2021.



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

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