

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.

~

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: (1) specify that the amount of time which
27 existing law requires a department of juvenile justice services to allow such an
28 employee to resolve the pending charges against the employee, which is a
29 reasonable amount of time of not more than 180 calendar days and begins after
30 arrest; and (2) authorize a department of juvenile justice services to offset any other
31 income earned by the employee during the duration of the unpaid leave against any
32 back pay awarded to the employee. **Section 3** of this bill makes the amendatory
33 provisions of this bill applicable to an employee of a department of juvenile justice
34 services who, on or after July 1, 2021, has a pending charge against the employee
35 for an offense alleged to have been committed 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



1 services pursuant to subsection 5 of NRS 62G.223 is incorrect, the
2 applicant or employee must inform the department of juvenile
3 justice services immediately. A department of juvenile justice
4 services that is so informed shall give the applicant or employee a
5 reasonable amount of time of not less than 30 days to correct the
6 information.

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

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

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

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

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

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

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

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

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

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



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

4 ~~[7]~~ 9. A termination of employment pursuant to this section
5 constitutes dismissal for cause for the purposes of NRS 62G.220.

6 *10. As used in this section, "peace officer" means any person*
7 *upon whom some or all of the powers of a peace officer are*
8 *conferred pursuant to NRS 289.150 to 289.360, inclusive.*

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

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

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

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

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

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

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



1 3. If an employee believes that the information received by the
2 department of juvenile justice services pursuant to subsection 2 of
3 NRS 62G.353 is incorrect, the employee must inform the
4 department of juvenile justice services immediately. A department
5 of juvenile justice services that is so informed shall give the
6 employee a reasonable amount of time of not less than 60 days to
7 correct the information.

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

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

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

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

24 6. *If the department of juvenile justice services places an*
25 *employee who is a peace officer on leave without pay pending the*
26 *outcome of a criminal prosecution, the department of juvenile*
27 *justice services shall award the employee back pay for the duration*
28 *of the unpaid leave if:*

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

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

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

37 8. The provisions of subsection 5 are not disciplinary in nature
38 and must not be construed as preventing a 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.~~ 9. A termination of employment pursuant to this section
44 constitutes dismissal for cause for the purposes of NRS 62G.360.



1 **10.** *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. 3.** The amendatory provisions of this act apply to an
5 employee of a department of juvenile justice services who, on or
6 after July 1, 2021, has a pending charge against the employee for an
7 offense alleged to have been committed on or after July 1, 2021.

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

