

SENATE BILL NO. 411—SENATOR OHRENSCHALL

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Makes various changes related to services provided to persons with autism spectrum disorders. (BDR 5-248)

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 persons with disabilities; requiring the juvenile court to establish an appropriate program for the treatment of children diagnosed with or suspected to have autism spectrum disorders; revising provisions relating to the membership of the Nevada Commission on Autism Spectrum Disorders; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 With certain exceptions, existing law grants the juvenile court exclusive  
2 jurisdiction over a child who is alleged or adjudicated to have committed a  
3 delinquent act. In general, under existing law, a child commits a delinquent act if  
4 the child commits an act designated as a criminal offense. (NRS 62B.330) **Section**  
5 **1** of this bill requires the juvenile court to establish an appropriate program for the  
6 treatment of children diagnosed with or suspected to have autism spectrum  
7 disorders to which it may assign a child who is alleged or adjudicated to have  
8 committed a delinquent act. **Section 1** also prescribes criteria for eligibility to  
9 participate in such a program.

10 Existing law establishes the Nevada Commission on Autism Spectrum  
11 Disorders and prescribes the membership of the Commission. The Commission  
12 consists of seven members appointed by the Governor, two of whom must represent  
13 school districts in this State. (NRS 427A.8801) **Section 2** of this bill makes those  
14 two members nonvoting members of the Commission. **Section 3** of this bill makes  
15 a conforming change relating to the designation of certain members as nonvoting  
16 members of the Commission.



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

1       **Section 1.** Chapter 62B of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       **1. *The juvenile court shall establish an appropriate program***  
4 ***for the treatment of children diagnosed with or suspected to have***  
5 ***autism spectrum disorders to which it may assign a child who is***  
6 ***alleged or adjudicated to have committed a delinquent act if the***  
7 ***child:***

8       ***(a) Is diagnosed with, including, without limitation, through***  
9 ***the use of a standardized assessment, or suspected to have an***  
10 ***autism spectrum disorder;***

11       ***(b) Would benefit from assignment to the program; and***

12       ***(c) Is not ineligible for assignment to the program pursuant to***  
13 ***any other provision of law.***

14       **2. *The assignment of a child who is alleged or adjudicated to***  
15 ***have committed a delinquent act to a program pursuant to this***  
16 ***section must:***

17       ***(a) Include the terms and conditions for successful completion***  
18 ***of the program.***

19       ***(b) Provide for progress reports at intervals set by the juvenile***  
20 ***court to ensure that the child is making satisfactory progress***  
21 ***towards completion of the program.***

22       ***(c) Allow for dismissal of the petition upon the successful***  
23 ***completion of the program.***

24       **3. *As used in this section, “autism spectrum disorder” means***  
25 ***a condition that meets the diagnostic criteria for autism spectrum***  
26 ***disorder published in the current edition of the Diagnostic and***  
27 ***Statistical Manual of Mental Disorders published by the American***  
28 ***Psychiatric Association or the edition thereof that was in effect at***  
29 ***the time the condition was diagnosed or determined.***

30       **Sec. 2.** NRS 427A.8801 is hereby amended to read as follows:

31       427A.8801 1. The Nevada Commission on Autism Spectrum  
32 Disorders is hereby created within the Division. The Commission  
33 consists of seven members appointed by the Governor. The  
34 Governor shall appoint to the Commission:

35       **(a) Two members who are representatives of school districts in**  
36 **this State;**

37       **(b) One member who is a behavior analyst;**

38       **(c) One member who is the parent of a person with an autism**  
39 **spectrum disorder who is over 12 years of age;**

40       **(d) One member who is the parent of a child with autism who is**  
41 **under 5 years of age;**



1 (e) One member who is the parent of a child with autism who  
2 resides in a county with a population of less than 100,000; and

3 (f) One member who is a representative of the public at large.

4 2. *The members described in paragraph (a) of subsection 1*  
5 *are nonvoting members.*

6 3. After the initial term, the term of each member is 3 years. A  
7 member may be reappointed.

8 ~~[3.]~~ 4. Members of the Commission serve without  
9 compensation and are not entitled to the per diem and travel  
10 expenses provided for state officers and employees generally. Each  
11 member of the Commission who is an officer or employee of a local  
12 government must be relieved from his or her duties without loss of  
13 his or her regular compensation so that the member may prepare for  
14 and attend meetings of the Commission and perform any work  
15 necessary to carry out the duties of the Commission in the most  
16 timely manner practicable. A local government shall not require an  
17 officer or employee who is a member of the Commission to make  
18 up the time the member is absent from work to carry out his or her  
19 duties as a member, and shall not require the member to take annual  
20 vacation or compensatory time for the absence.

21 ~~[4.]~~ 5. If a vacancy occurs during the term of a member, the  
22 Governor shall appoint a person similarly qualified to replace that  
23 member for the remainder of the unexpired term.

24 ~~[5.]~~ 6. The Governor shall annually designate the Chair and  
25 Vice Chair *of the Commission from among the voting members* of  
26 the Commission.

27 ~~[6.]~~ 7. A majority of the *voting* members of the Commission  
28 constitutes a quorum for the transaction of business, and a majority  
29 of the *voting* members of a quorum present at any meeting is  
30 sufficient for any official action taken by the Commission.

31 ~~[7.]~~ 8. As used in this section, "behavior analyst" has the  
32 meaning ascribed to it in NRS 437.010.

33 **Sec. 3.** NRS 427A.8802 is hereby amended to read as follows:

34 427A.8802 1. The Commission shall meet at least eight times  
35 each year at the call of the Governor or the Chair or a majority of its  
36 *voting* members.

37 2. The Commission may establish subcommittees consisting of  
38 members of the Commission or other persons to assist the  
39 Commission in the performance of its duties.

40 3. The Division shall provide such administrative support to  
41 the Commission and any subcommittee thereof as is necessary to  
42 carry out the duties of the Commission.

43 4. The Commission shall:

44 (a) Advise and make recommendations to the Governor  
45 regarding the needs of persons with autism spectrum disorders and



1 their families and the availability, delivery and coordination of  
2 services for such persons in this State;

3 (b) Review available data concerning autism spectrum disorders,  
4 including, without limitation, data concerning the ages of persons  
5 served by public programs for persons with autism spectrum  
6 disorders, the number of persons on waiting lists for such programs  
7 and the outcomes for persons receiving services through such  
8 programs, and monitor programs operated by state and local  
9 agencies that serve persons with autism spectrum disorders and their  
10 families; and

11 (c) Submit to the Governor an annual report concerning the  
12 activities of the Commission.

13 **Sec. 4.** This act becomes effective on July 1, 2023.

