

Amendment No. 717

Assembly Amendment to Senate Bill No. 317 Second Reprint (BDR 5-1016)
Proposed by: Assemblyman Yeager
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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

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

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

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

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

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

22 2. If an applicant for employment or an employee believes that the
23 information in the report from the Federal Bureau of Investigation forwarded to the
24 department of juvenile justice services pursuant to subsection 5 of NRS 62G.223 is
25 incorrect, the applicant or employee must inform the department of juvenile justice
26 services immediately. A department of juvenile justice services that is so informed
27 shall give the applicant or employee a reasonable amount of time of not less than 30
28 days to correct the information.

29 3. If an employee believes that the information received by the department of
30 juvenile justice services pursuant to subsection 2 of NRS 62G.223 is incorrect, the
31 employee must inform the department of juvenile justice services immediately. A
32 department of juvenile justice services that is so informed shall give the employee a
33 reasonable amount of time of not less than 60 days to correct the information.

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

40 5. During the period in which an employee seeks to correct information
41 pursuant to subsection 2 or 3, or resolve pending charges against the employee
42 pursuant to subsection 4, the employee:

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

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

1 6. *If the department of juvenile justice services places an employee who is a*
2 *peace officer on leave without pay pending the outcome of a criminal*
3 *prosecution, the department of juvenile justice services shall award the employee*
4 *back pay for the duration of the unpaid leave if:*

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

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

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

12 8. The provisions of subsection 5 are not disciplinary in nature and must not
13 be construed as preventing the department of juvenile justice services from
14 initiating departmental disciplinary procedures against an employee during the
15 period in which an employee seeks to correct information pursuant to subsection 2
16 or 3, or resolve pending charges against the employee pursuant to subsection 4.

17 ~~7-8-9~~ 9. A termination of employment pursuant to this section constitutes
18 dismissal for cause for the purposes of NRS 62G.220.

19 ~~9-10~~ 10. *As used in this section, "peace officer" means any person upon*
20 *whom some or all of the powers of a peace officer are conferred pursuant to NRS*
21 *289.150 to 289.360, inclusive.*

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

23 62G.355 1. If the report from the Federal Bureau of Investigation forwarded
24 to the department of juvenile justice services pursuant to subsection 5 of NRS
25 62G.353, the information received by the department of juvenile justice services
26 pursuant to subsection 2 of NRS 62G.353 or evidence from any other source
27 indicates that an applicant for employment with the department of juvenile justice
28 services, or an employee of the department of juvenile justice services:

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

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

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

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

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

50 3. If an employee believes that the information received by the department of
51 juvenile justice services pursuant to subsection 2 of NRS 62G.353 is incorrect, the
52 employee must inform the department of juvenile justice services immediately. A

1 department of juvenile justice services that is so informed shall give the employee a
2 reasonable amount of time of not less than 60 days to correct the information.

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

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

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

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

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

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

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

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

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

33 ~~7-8-7~~ 9. A termination of employment pursuant to this section constitutes
34 dismissal for cause for the purposes of NRS 62G.360.

35 ~~10-7~~ 10. *As used in this section, "peace officer" means any person upon*
36 *whom some or all of the powers of a peace officer are conferred pursuant to NRS*
37 *289.150 to 289.360, inclusive.*

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

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