

Amendment No. 349

Senate Amendment to Senate Bill No. 411	(BDR 5-248)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes 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. 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~~ **authorizing** 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:

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

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

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

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

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

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

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

4 (c) Is not ineligible for assignment to the program pursuant to any other
5 provision of law.

6 2. The assignment of a child who is alleged or adjudicated to have
7 committed a delinquent act to a program pursuant to this section must:

8 (a) Include ~~the~~ :

9 (1) The terms and conditions for successful completion of the program ~~;~~
10 ; and

11 (2) The terms and conditions of the informal supervision or probation of
12 the child, if applicable.

13 (b) Provide for progress reports at intervals set by the juvenile court to
14 ensure that the child is making satisfactory progress towards completion of the
15 program.

16 ~~(c) Allow for dismissal of the petition upon the successful completion of the~~
17 ~~program.~~

18 3. As used in this section, "autism spectrum disorder" means a condition
19 that meets the diagnostic criteria for autism spectrum disorder published in the
20 current edition of the Diagnostic and Statistical Manual of Mental Disorders
21 published by the American Psychiatric Association or the edition thereof that was
22 in effect at the time the condition was diagnosed or determined.

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

24 427A.8801 1. The Nevada Commission on Autism Spectrum Disorders is
25 hereby created within the Division. The Commission consists of seven members
26 appointed by the Governor. The Governor shall appoint to the Commission:

27 (a) Two members who are representatives of school districts in this State;

28 (b) One member who is a behavior analyst;

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

31 (d) One member who is the parent of a child with autism who is under 5 years
32 of age;

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

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

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

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

40 ~~3.~~ 4. Members of the Commission serve without compensation and are not
41 entitled to the per diem and travel expenses provided for state officers and
42 employees generally. Each member of the Commission who is an officer or
43 employee of a local government must be relieved from his or her duties without
44 loss of his or her regular compensation so that the member may prepare for and
45 attend meetings of the Commission and perform any work necessary to carry out
46 the duties of the Commission in the most timely manner practicable. A local
47 government shall not require an officer or employee who is a member of the
48 Commission to make up the time the member is absent from work to carry out his
49 or her duties as a member, and shall not require the member to take annual vacation
50 or compensatory time for the absence.

51 ~~4.~~ 5. If a vacancy occurs during the term of a member, the Governor shall
52 appoint a person similarly qualified to replace that member for the remainder of the
53 unexpired term.

1 ~~{5}~~ 6. The Governor shall annually designate the Chair and Vice Chair *of the*
2 *Commission from among the voting members* of the Commission.

3 ~~{6}~~ 7. A majority of the *voting* members of the Commission constitutes a
4 quorum for the transaction of business, and a majority of the *voting* members of a
5 quorum present at any meeting is sufficient for any official action taken by the
6 Commission.

7 ~~{7}~~ 8. As used in this section, “behavior analyst” has the meaning ascribed to
8 it in NRS 437.010.

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

10 427A.8802 1. The Commission shall meet at least eight times each year at
11 the call of the Governor or the Chair or a majority of its *voting* members.

12 2. The Commission may establish subcommittees consisting of members of
13 the Commission or other persons to assist the Commission in the performance of its
14 duties.

15 3. The Division shall provide such administrative support to the Commission
16 and any subcommittee thereof as is necessary to carry out the duties of the
17 Commission.

18 4. The Commission shall:

19 (a) Advise and make recommendations to the Governor regarding the needs of
20 persons with autism spectrum disorders and their families and the availability,
21 delivery and coordination of services for such persons in this State;

22 (b) Review available data concerning autism spectrum disorders, including,
23 without limitation, data concerning the ages of persons served by public programs
24 for persons with autism spectrum disorders, the number of persons on waiting lists
25 for such programs and the outcomes for persons receiving services through such
26 programs, and monitor programs operated by state and local agencies that serve
27 persons with autism spectrum disorders and their families; and

28 (c) Submit to the Governor an annual report concerning the activities of the
29 Commission.

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