

ASSEMBLY BILL NO. 107—ASSEMBLYMEMBER BROWN-MAY

PREFILED JANUARY 21, 2025

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to foster care. (BDR 38-339)

FISCAL NOTE: Effect on Local Government: No. 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 foster care; removing the requirement that a background investigation of certain persons affiliated with a foster home include certain violations relating to controlled substances; authorizing a person who has been convicted of such a violation to operate, be employed by, reside in or be present in a foster home; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 In order to conduct a foster home, existing law requires a person to obtain a  
2 license from: (1) in a county whose population is 100,000 or more (currently Clark  
3 and Washoe Counties), the agency which provides child welfare services; or (2) in  
4 a county whose population is less than 100,000 (currently all counties other than  
5 Clark and Washoe Counties), the Division of Child and Family Services of the  
6 Department of Health and Human Services. (NRS 424.016, 424.030) Existing law  
7 requires the licensing authority or its designee, at certain times, to conduct a  
8 background investigation of each applicant for a license to conduct a foster home,  
9 person who is licensed to conduct a foster home, employee of such an applicant or  
10 licensee and certain adult residents of a foster home to determine whether the  
11 applicant, licensee, employee or resident has been arrested for, has charges pending  
12 for or has been convicted of certain crimes. Such crimes include violations of any  
13 federal or state law regulating the possession, distribution or use of any controlled  
14 substance or dangerous drug. (NRS 424.031) Existing law requires an applicant for  
15 a license to conduct a foster home or the holder of such a license to terminate the  
16 employment, residence or presence in the foster home of a person who has been  
17 convicted of such a crime. (NRS 424.0335) Existing law also authorizes a licensing  
18 authority to deny an application for a license to operate a foster home or to suspend  
19 or revoke such a license if the licensing authority determines that the applicant or  
20 licensee has: (1) been convicted of such a crime; or (2) failed to terminate the  
21 employment, residence or presence in the foster home of a person who has been  
22 convicted of such a crime. (NRS 424.033) This bill exempts from those provisions



23 certain violations relating to the possession of controlled substances that: (1) have  
24 been decriminalized under laws of this State; or (2) involve the unlawful possession  
25 of marijuana for a purpose other than sale if the violation did not occur within the  
26 immediately preceding 7 years. This bill thereby authorizes a person who has been  
27 convicted of any such violation to operate, be employed by, reside in or be present  
28 in a foster home.

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

1     **Section 1.** NRS 424.031 is hereby amended to read as follows:

2     424.031 1. The licensing authority or a person or entity  
3 designated by the licensing authority shall obtain from appropriate  
4 law enforcement agencies information on the background and  
5 personal history of each applicant for a license to conduct a foster  
6 home, person who is licensed to conduct a foster home, employee of  
7 that applicant or licensee, and resident of a foster home who is 18  
8 years of age or older, other than a resident who remains under the  
9 jurisdiction of a court pursuant to NRS 432B.594, to determine  
10 whether the person investigated has been arrested for, has charges  
11 pending for or has been convicted of:

12     (a) Murder, voluntary manslaughter or mayhem;

13     (b) Any other felony involving the use or threatened use of force  
14 or violence against the victim or the use of a firearm or other deadly  
15 weapon;

16     (c) Assault with intent to kill or to commit sexual assault or  
17 mayhem;

18     (d) Sexual assault, statutory sexual seduction, incest, lewdness,  
19 indecent exposure or any other sexually related crime or a felony  
20 relating to prostitution;

21     (e) Abuse or neglect of a child or contributory delinquency;

22     (f) A violation of any federal or state law regulating the  
23 possession, distribution or use of any controlled substance or any  
24 dangerous drug as defined in chapter 454 of NRS ~~§~~ *unless the*  
25 *offense:*

26     (1) *Has been decriminalized or is a violation of a law of any*  
27 *other jurisdiction that prohibits conduct that is the same or similar*  
28 *to conduct that has been decriminalized; or*

29     (2) *Is a violation of NRS 453.336 involving the possession*  
30 *of marijuana not for the purpose of sale, or a violation of a law of*  
31 *any other jurisdiction that prohibits the same or similar conduct,*  
32 *that did not occur within the immediately preceding 7 years;*

33     (g) Abuse, neglect, exploitation, isolation or abandonment of  
34 older persons or vulnerable persons, including, without limitation, a  
35 violation of any provision of NRS 200.5091 to 200.50995,



1 inclusive, or a law of any other jurisdiction that prohibits the same  
2 or similar conduct;

3 (h) Any offense involving fraud, theft, embezzlement, burglary,  
4 robbery, fraudulent conversion or misappropriation of property  
5 within the immediately preceding 7 years;

6 (i) Any offense relating to pornography involving minors,  
7 including, without limitation, a violation of any provision of NRS  
8 200.700 to 200.760, inclusive, or a law of any other jurisdiction that  
9 prohibits the same or similar conduct;

10 (j) Prostitution, solicitation, lewdness or indecent exposure, or  
11 any other sexually related crime that is punishable as a  
12 misdemeanor, within the immediately preceding 7 years;

13 (k) A crime involving domestic violence that is punishable as a  
14 felony;

15 (l) A crime involving domestic violence that is punishable as a  
16 misdemeanor, within the immediately preceding 7 years;

17 (m) A criminal offense under the laws governing Medicaid or  
18 Medicare, within the immediately preceding 7 years;

19 (n) Any offense involving the sale, furnishing, purchase,  
20 consumption or possession of alcoholic beverages by a minor  
21 including, without limitation, a violation of any provision of NRS  
22 202.015 to 202.067, inclusive, or driving a vehicle under the  
23 influence of alcohol or a controlled substance in violation of chapter  
24 484C of NRS or a law of any other jurisdiction that prohibits the  
25 same or similar conduct, within the immediately preceding 7 years;  
26 or

27 (o) An attempt or conspiracy to commit any of the offenses  
28 listed in this subsection within the immediately preceding 7 years.

29 2. A licensing authority or a person or entity designated by the  
30 licensing authority may conduct an investigation of the background  
31 and personal history of a person who is 18 years of age or older who  
32 routinely supervises a child in a foster home in the same manner as  
33 described in subsection 1.

34 3. The licensing authority or its approved designee may charge  
35 each person investigated pursuant to this section for the reasonable  
36 cost of that investigation.

37 4. Unless a preliminary Federal Bureau of Investigation  
38 Interstate Identification Index name-based check of the records of  
39 criminal history has been conducted pursuant to NRS 424.039, a  
40 person who is required to submit to an investigation pursuant to  
41 subsection 1 shall not have contact with a child in a foster home  
42 without supervision before the investigation of the background and  
43 personal history of the person has been conducted.

44 5. The licensing authority or its designee:



1 (a) Shall conduct an investigation of each licensee, employee  
2 and resident pursuant to this section at least once every 5 years after  
3 the initial investigation; and

4 (b) May conduct an investigation of any person who is 18 years  
5 of age or older who routinely supervises a child in a foster home at  
6 such times as it deems appropriate.

7 **6. As used in this section, “decriminalized” means that an**  
8 **offense is no longer punishable as a crime as the result of**  
9 **enactment of an act of the Legislature or the passage of a**  
10 **referendum petition or initiative petition pursuant to Article 19 of**  
11 **the Nevada Constitution.**

12 **Sec. 2.** 1. The amendatory provisions of this act apply to:

13 (a) Any violation of federal or state law regulating the  
14 possession, distribution or use of any controlled substance or any  
15 dangerous drug as defined in chapter 454 of NRS that:

16 (1) Was decriminalized before the effective date of this act;

17 or

18 (2) Is decriminalized on or after the effective date of this act;

19 and

20 (b) Any arrest for, charges pending for or conviction of an  
21 offense described in paragraph (f) of subsection 1 of NRS 424.031,  
22 as amended by section 1 of this act, regardless of whether the arrest,  
23 charges or conviction or the offense occurred before, on or after the  
24 effective date of this act.

25 2. As used in this section, “decriminalized” has the meaning  
26 ascribed to it in NRS 424.031, as amended by section 1 of this act,  
27 and includes an offense under the law of any other jurisdiction that  
28 prohibits conduct that is the same or similar to conduct that is no  
29 longer punishable as a crime as a result of enactment of an act of the  
30 Legislature or the passage of a referendum petition or initiative  
31 petition pursuant to Article 19 of the Nevada Constitution.

32 **Sec. 3.** This act becomes effective upon passage and approval.

