
ASSEMBLY BILL NO. 519—COMMITTEE ON JUDICIARY

MARCH 23, 2007

Referred to Committee on Judiciary

SUMMARY—Enacts provisions concerning the sealing of certain court documents. (BDR 1-1404)

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 confidentiality; prohibiting a district court from sealing a judicial public record except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill prohibits a district court from sealing a judicial public record unless a
2 preponderance of the evidence indicates the existence of certain factors. According
3 to this bill, before a district court seals a judicial public record, the district court
4 must hold a hearing, provide notice of the hearing to the parties and the public, and
5 allow both the parties and the public to present evidence and written briefs at the
6 hearing.

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

1 **Section 1.** Chapter 3 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *1. A district court may not seal a judicial public record unless*
4 *a preponderance of the evidence indicates that:*
5 *(a) Sealing the judicial public record does not have the*
6 *purpose or effect of concealing a public hazard or information*
7 *concerning a public hazard;*
8 *(b) Sealing the judicial public record furthers a public interest;*
9 *(c) Dissemination of the information contained in the judicial*
10 *public record will create a serious and imminent danger to the*
11 *public interest;*



1 (d) *There is no other reasonable method of avoiding any*
2 *prejudicial effect created by dissemination of the information;*

3 (e) *There is a substantial probability that sealing the judicial*
4 *public record will be effective in protecting the public interest*
5 *against the perceived danger; and*

6 (f) *It is reasonably necessary for the judicial public record to*
7 *remain sealed for a period of time.*

8 2. *Before a district court may seal a judicial public record,*
9 *the court must hold a hearing at a date and time established by the*
10 *court. The court shall send a notice of the hearing by certified*
11 *mail, return receipt requested, to each party and shall post notice*
12 *of the hearing at a place in the courthouse that is designated for*
13 *the posting of notices.*

14 3. *At the hearing, the district court shall allow the parties and*
15 *members of the public to present evidence and submit written*
16 *briefs.*

17 4. *Any judicial public record that is sealed pursuant to this*
18 *section must be unsealed at the earliest possible time after the*
19 *circumstances necessitating the sealing no longer exist.*

20 5. *As used in this section:*

21 (a) *“Information concerning a public hazard” means any*
22 *information concerning a public hazard that may be useful to*
23 *members of the public in protecting themselves from substantial*
24 *bodily harm or death which may result from the public hazard.*

25 (b) *“Judicial public record” means any writing, paper, report,*
26 *study, map, photograph, book, card, tape recording or other*
27 *material which is created, received, retained, maintained or filed*
28 *by or with a district court and which is generated on paper, paper*
29 *substitutes, photographic media, chemically based media,*
30 *magnetic or machine readable media, electronically stored data or*
31 *any other material, regardless of form or characteristics. The term*
32 *does not include information:*

33 (1) *Declared confidential by other law of this State.*

34 (2) *Required to be kept confidential by federal law.*

35 (3) *Containing a trade secret. As used in this subparagraph,*
36 *“trade secret” has the meaning ascribed to it in NRS 600A.030.*

37 (4) *Containing confidential financial information obtained,*
38 *upon request, from a person and which is not information that is*
39 *filed with or received by a district court pursuant to other law of*
40 *this State.*

41 (5) *Concerning research conducted under the auspices of*
42 *an institution of higher education, including, without limitation:*

43 (I) *Information concerning any negotiations made with*
44 *respect to the research; and*



- 1 *(II) Information received from another party involved in*
2 *the research.*
3 *(6) Containing grade transcripts and license examination*
4 *scores obtained as part of a licensure process.*
5 *(7) Containing medical records.*
6 *(8) Containing a photograph, video recording or audio*
7 *recording of an autopsy.*
8 *(9) Containing a social security number.*
9 *(c) "Public hazard" means any instrumentality, device,*
10 *procedure, product or condition of any instrumentality, device,*
11 *procedure or product that has caused or is likely to cause*
12 *substantial bodily harm or death.*



