

ASSEMBLY BILL NO. 38—COMMITTEE ON  
CORRECTIONS, PAROLE, AND PROBATION

(ON BEHALF OF THE DIVISION OF PAROLE AND PROBATION)

PREFILED DECEMBER 5, 2008

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Provides that sex offenders who are under lifetime supervision must not have their civil rights automatically restored. (BDR 14-421)

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 sex offenders; providing that a sex offender who is under lifetime supervision must not have his civil rights automatically restored; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 This bill provides that a person convicted of a sexual offense who is currently  
2 under a program of lifetime supervision through the Division of Parole and  
3 Probation of the Department of Public Safety is not automatically restored to his  
4 civil rights and continues to be prohibited from voting, serving as a juror or holding  
5 elective office, regardless of whether the person has received an honorable  
6 discharge from probation or parole or has served a prison sentence and been  
7 released unless the person successfully petitions a court for restoration of his civil  
8 rights. (NRS 176A.850, 213.155, 213.157)

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

1 **Section 1.** NRS 176A.850 is hereby amended to read as  
2 follows:  
3 176A.850 1. A person who:  
4 (a) Has fulfilled the conditions of his probation for the entire  
5 period thereof;



1 (b) Is recommended for earlier discharge by the Division; or  
2 (c) Has demonstrated his fitness for honorable discharge but  
3 because of economic hardship, verified by the Division, has been  
4 unable to make restitution as ordered by the court,  
5 ➡ may be granted an honorable discharge from probation by order  
6 of the court.

7 2. Any amount of restitution remaining unpaid constitutes a  
8 civil liability arising upon the date of discharge.

9 3. Except as otherwise provided in subsection 4, a person who  
10 has been honorably discharged from probation:

11 (a) Is free from the terms and conditions of his probation.

12 (b) Is immediately restored to the following civil rights:

13 (1) The right to vote; and

14 (2) The right to serve as a juror in a civil action.

15 (c) Four years after the date of his honorable discharge from  
16 probation, is restored to the right to hold office.

17 (d) Six years after the date of his honorable discharge from  
18 probation, is restored to the right to serve as a juror in a criminal  
19 action.

20 (e) If he meets the requirements of NRS 179.245, may apply to  
21 the court for the sealing of records relating to his conviction.

22 (f) Must be informed of the provisions of this section and NRS  
23 179.245 in his probation papers.

24 (g) Is exempt from the requirements of chapter 179C of NRS,  
25 but is not exempt from the requirements of chapter 179D of NRS.

26 (h) Shall disclose the conviction to a gaming establishment and  
27 to the State and its agencies, departments, boards, commissions and  
28 political subdivisions, if required in an application for employment,  
29 license or other permit. As used in this paragraph, "establishment"  
30 has the meaning ascribed to it in NRS 463.0148.

31 (i) Except as otherwise provided in paragraph (h), need not  
32 disclose the conviction to an employer or prospective employer.

33 4. Except as otherwise provided in this subsection, the civil  
34 rights set forth in subsection 3 are not restored to a person honorably  
35 discharged from probation if the person has previously been  
36 convicted in this State:

37 (a) Of a category A felony.

38 (b) Of an offense that would constitute a category A felony if  
39 committed as of the date of his honorable discharge from probation.

40 (c) Of a category B felony involving the use of force or violence  
41 that resulted in substantial bodily harm to the victim.

42 (d) Of an offense involving the use of force or violence ~~[that]~~  
43 **which** resulted in substantial bodily harm to the victim and ~~[that]~~  
44 **which** would constitute a category B felony if committed as of the  
45 date of his honorable discharge from probation.



(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

*(f) Of a sexual offense that includes a special sentence of lifetime supervision pursuant to NRS 176.0931 and the person remains under a program of lifetime supervision pursuant to NRS 213.1243.*

➤ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from probation;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of his honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of his honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring his civil rights,



1    ➤ as proof that he has been restored to the civil rights set forth in  
2 subsection 3.

3    **Sec. 2.** NRS 213.155 is hereby amended to read as follows:

4    213.155 1. Except as otherwise provided in subsection 2, a  
5 person who receives an honorable discharge from parole pursuant to  
6 NRS 213.154:

7    (a) Is immediately restored to the following civil rights:

8        (1) The right to vote; and

9        (2) The right to serve as a juror in a civil action.

10    (b) Four years after the date of his honorable discharge from  
11 parole, is restored to the right to hold office.

12    (c) Six years after the date of his honorable discharge from  
13 parole, is restored to the right to serve as a juror in a criminal action.

14    2. Except as otherwise provided in this subsection, the civil  
15 rights set forth in subsection 1 are not restored to a person who has  
16 received an honorable discharge from parole if the person has  
17 previously been convicted in this State:

18    (a) Of a category A felony.

19    (b) Of an offense that would constitute a category A felony if  
20 committed as of the date of his honorable discharge from parole.

21    (c) Of a category B felony involving the use of force or violence  
22 that resulted in substantial bodily harm to the victim.

23    (d) Of an offense involving the use of force or violence that  
24 resulted in substantial bodily harm to the victim and that would  
25 constitute a category B felony if committed as of the date of his  
26 honorable discharge from parole.

27    (e) Two or more times of a felony, unless a felony for which the  
28 person has been convicted arose out of the same act, transaction or  
29 occurrence as another felony, in which case the convictions for  
30 those felonies shall be deemed to constitute a single conviction for  
31 the purposes of this paragraph.

32    *(f) Of a sexual offense that includes a special sentence of*  
33 *lifetime supervision pursuant to NRS 176.0931 and the person*  
34 *remains under a program of lifetime supervision pursuant to*  
35 *NRS 213.1243.*

36    ➤ A person described in this subsection may petition a court of  
37 competent jurisdiction for an order granting the restoration of his  
38 civil rights as set forth in subsection 1.

39    3. Except for a person subject to the limitations set forth in  
40 subsection 2, upon his honorable discharge from parole, a person so  
41 discharged must be given an official document which provides:

42    (a) That he has received an honorable discharge from parole;

43    (b) That he has been restored to his civil rights to vote and to  
44 serve as a juror in a civil action as of the date of his honorable  
45 discharge from parole;



(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,  
➔ as proof that he has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

**Sec. 3.** NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his release from prison, is restored to the right to hold office.

(c) Six years after the date of his release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.



(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

*(f) Of a sexual offense that includes a special sentence of lifetime supervision pursuant to NRS 176.0931 and the person remains under a program of lifetime supervision pursuant to NRS 213.1243.*

➤ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

(a) That he has been released from prison;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,

➤ as proof that he has been restored to the civil rights set forth in subsection 1.



- 1       **Sec. 4.** The amendatory provisions of this act apply to a person  
2 who is placed under a program of lifetime supervision on or after  
3 July 1, 2009.  
4       **Sec. 5.** This act becomes effective on July 1, 2009.

