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Proposed Amendment to AB 160 – Amendment regarding sealing of records

The Attorney General's Office submitted the proposed amendment to AB 160 to include in Sections 5, 6 and 7 reference to NRS 41.910, which addresses wrongful conviction compensation cases. The Legislature created this process in 2019.

If a person is successful in obtaining a certificate of innocence under the wrongful conviction compensation statutes, their criminal records will be sealed pursuant to NRS 41.910. I would note a sister bill in 2019 created the ability of a defendant to file a factual innocence petition which, if granted, will also lead to the sealing of the criminal records under NRS 34.970. Sections 5, 6 and 7 of AB 160 already include NRS 34.970 in the statutes. We seek to include NRS 41.910 for wrongful conviction compensation matters as they address a similar basis.

We therefore seek to amend Sections 5, 6 and 7 of AB 160 to provide persons who prevail on a wrongful conviction compensation complaint the ability to address records held by the Criminal History Repository, restore the individual's civil rights, and to inspect sealed records.

If these individuals obtain a certificate of innocence leading to the sealing of their criminal records, they should have the same rights as others whose records are sealed by court order if they prevail on a factual innocence petition. We therefore submit the proposed amendment to include NRS 41.910 in AB 160, Sections 5, 6 and 7. Thank you.