

2023 Legislative Session PROPOSED AMENDMENT

May 26, 2023

Assembly Bill 160 (R1)
Amendment submitted to Assembly Committee on Ways and Means

Submitted by: Assemblyman CH Miller
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Purpose/Intent of Proposed Amendment: Amend effective dates in section 1.3, 1.7, and 9. Amend subsection 3 of section 1.3 to clarify the role of the Administrative Office of the Courts. Amend subsection 12(b) and 12(c) of section 1.3 to clarify charges and convictions eligible for automated sealing. Amend section 1.7 related to the composition, appointing authority, and duties of the Advisory Task Force. Add a new section to add an appropriation.

Text of Proposed Amendment:

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.

Section 1.3

1. Not later than January 1, ~~2026~~ 2027, the Division shall develop and implement a process to identify, based on data maintained in the records of the Division, each:

3. Not later than January 1, 2027, the Administrative Office of the Courts shall develop and implement a process to review ~~and approve~~ the list received from the Division pursuant to paragraph (c) of subsection 2 and transmit to every court having jurisdiction each:

11. On or after January 31, ~~2027~~ 2028, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

(b) "Eligible charge" means any charge against a person on or after January 1, 2027 if the records relating to the charge are eligible to be sealed pursuant to ~~subsection 1~~

~~of NRS 179.255, paragraph (c) or (g) of subsection 1 of NRS 179.245 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351.~~

~~(c) "Eligible conviction" means any conviction of a person on or after January 1, 2027 if the records relating to the conviction are eligible to be sealed pursuant to paragraph (c) or (g) of subsection 1 of NRS 179.245 23 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.~~

Section 1.7

1. The Advisory Task Force on Automatic Record Sealing is hereby created within the Department of Public Safety. The Task Force consists of:

(a) Fifteen members appointed by the ~~Department of Public Safety~~ Legislative Commission from recommendations submitted by participating entities in accordance with subsection 2, consisting of:

(1) One member who is a representative of the Administrative Office of the Courts;

(2) One member who is a representative of the Nevada Supreme Court or their designee;

(3) One member who is a representative of a district court;

(4) One member who is a representative of a justice court;

~~(5) One member who is a representative of an outlying justice court;~~

(6) One member who is a representative of a municipal court;

(7) One member who is a representative of a district attorney's office;

(8) One member who is a representative of the Office of the Attorney General;

(9) One member who is a representative of the Office of the Clark County Public Defender or the Office of the Washoe County Public Defender or who is an attorney in private practice and experienced in defending criminal actions;

~~(10) One~~ **Two members who is are a representative of an urban and rural law enforcement agency;**

(11) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety;

(12) One member who is a representative of the Department of Corrections; and

(13) One member who is a representative of the Records, Communications and Compliance Division of the Department of Public Safety State Central Repository

~~(13) (14) Three~~ **Two members who are representatives from nonprofit organizations focused on issues relating to criminal justice;**

~~(b) Two~~ **One members of the Senate who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and**

~~(c) Two~~ **One member who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.**

~~2. The Department of Public Safety shall solicit applications for appointment to the Task Force pursuant to paragraph (a) of subsection 1.~~ **When appointing members to the Task Force pursuant to paragraph (a) of subsection 1, the Department Legislative Commission shall ensure that all regions of this State are represented.**

3. At the first meeting of the Task Force, the members shall elect a Chair and Vice Chair by a majority vote.

4. The Department of Public Safety shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

5. The members of the Task Force serve without compensation or per diem allowance. If sufficient money is available, a member of the Task Force may, upon written request, receive reimbursement for travel expenses provided for state officers and employees generally while engaged in the business of the Task Force.

6. The Task Force shall:

(a) Review the current petition-based process for the sealing of records and identify the ways in which the process can be streamlined to simplify the process for petitioners;

(b) Conduct research on methods to implement the provisions of section 1.3 of this act, including, without limitation, necessary technology and system upgrades within the criminal justice system of this State;

(c) Identify and assess any technology and system gaps, necessary infrastructure and policy constraints to support the implementation of the automatic sealing of records; ~~and~~

(d) Develop an implementation timeline that includes benchmarks to implement the provisions of section 1.3 of this act.

~~(d)~~ **(e) Recommend approaches to improve the ability of this State to expand future provisions concerning the automatic sealing of records, including, without limitation, the feasibility of retroactively sealing eligible charges and convictions.**

(f) The Task Force may consider, at its discretion, any other matters submitted by a member.

7. ~~The Task Force~~ Department may:

(a) Enter into a contract with a consultant or vendor to perform the research necessary for the Task Force to carry out its duties; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to assist the Task Force in carrying out its duties.

8. The Task Force shall:

(a) On or before July 1, 2024, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the initial activities and findings of the Task Force, including, without limitation, the ways in which the petition-based process for the sealing of records can be streamlined; and

(b) On or before July 1, 2025, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the activities, findings and initial recommendations of the Task Force, and

~~(b)~~ **(c) On or before July 1, ~~2025~~ 2026, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the final activities, findings**

and recommendations of the Task Force to support the implementation of the automatic sealing of records.

9. The meetings of the Task Force are closed to the public and not subject to the provisions of Chapter 241.

Section 9

3. Section 1.7 of this act becomes effective upon passage and approval and expires by limitation on June 30, ~~2026~~2027.

New Section

1. There is hereby appropriated from the State General Fund to the Nevada Department of Public Safety the sum of \$2,500,000.00 for:
 - (a) The technology costs of complying with section 1.3 of this act;
 - (b) Support to the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act including, without limitation, the administrative costs of supporting the Task Force and employing or contracting with persons to perform the functions described in paragraphs (a) to (f), inclusive, of subsection 6 of section 1.7 of this act.
 - (c) To the extent that money is available the Nevada Department of Public Safety may award grants of money to criminal justice agencies to support technology or systems upgrades to support complying with section 1.3 of this act.
 - (d) Any remaining balance of the appropriation made by subsection 1 does not revert to the State General Fund at the end of the fiscal year.