

ASSEMBLY BILL NO. 181—ASSEMBLYMEN FRIERSON, OHRENSCHALL, YEAGER; ARAUJO, BENITEZ-THOMPSON AND MCCURDY II

PREFILED FEBRUARY 13, 2017

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Revises provisions governing the restoration of civil rights for ex-felons. (BDR 14-720)

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 civil rights; revising provisions governing the restoration of civil rights to certain persons who have been convicted of felonies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, unless a person has been convicted of certain specified
2 felonies, a person who has been convicted of a felony is restored to his or her civil
3 rights by operation of law upon: (1) an honorable discharge from probation; (2) an
4 honorable discharge from parole; or (3) the completion of his or her sentence and
5 release from prison. Conversely, a person must petition a court for the restoration of
6 his or her civil rights if the person was convicted: (1) of a category A felony; (2)
7 of an offense that would constitute a category A felony if committed as of the date
8 of discharge from probation, discharge from parole or release from prison; (3) of a
9 category B felony involving the use of force or violence that resulted in substantial
10 bodily harm; (4) of an offense involving the use of force or violence that resulted in
11 substantial bodily harm and that would constitute a category B felony if committed
12 as of the date of discharge from probation, discharge from parole or release from
13 prison; or (5) two or more times of a felony, except under certain circumstances.
14 (NRS 176A.850, 213.155, 213.157) Sections 1-3 of this bill provide, respectively,
15 that if the probationer, parolee or person who completed his or her sentence and
16 was released from prison was convicted: (1) two or more times of a felony, his or
17 her right to vote must be restored immediately after discharge from probation,
18 discharge from parole or release from prison; and (2) of any of the other offenses
19 enumerated above, his or her right to vote must be restored 2 years after discharge
20 from probation, discharge from parole or release from prison.

21 Existing law sets forth circumstances under which a person whose term of
22 probation has expired must be given a dishonorable discharge and precludes the



23 probationer from obtaining the restoration of certain civil rights. (NRS 176A.870)  
24 **Section 1** maintains the requirement that such a probationer be given a  
25 dishonorable discharge, but **section 5** of this bill eliminates the prohibition on the  
26 restoration of civil rights.

27 **Section 4** of this bill provides for the restoration of the civil rights to serve as a  
28 juror in a civil action and to vote to residents of this State who: (1) have not had  
29 their rights to serve as a juror in a civil action and to vote restored; (2) are not on  
30 probation or parole or serving a sentence of imprisonment on October 1, 2017; and  
31 (3) before October 1, 2017, were discharged from probation or parole or released  
32 from prison after serving their sentences.

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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 probation for the entire period  
5 thereof;

6 (b) Is recommended for earlier discharge by the Division; or

7 (c) Has demonstrated fitness for honorable discharge but  
8 because of economic hardship, verified by the Division, has been  
9 unable to make restitution as ordered by the court,

10 ↪ may be granted an honorable discharge from probation by order  
11 of the court.

12 2. *A person whose term of probation has expired and:*

13 (a) *Whose whereabouts are unknown;*

14 (b) *Who has failed to make restitution in full as ordered by the*  
15 *court, without a verified showing of economic hardship; or*

16 (c) *Who has otherwise failed to qualify for an honorable*  
17 *discharge as provided in subsection 1,*

18 ↪ *is not eligible for an honorable discharge and must be given a*  
19 *dishonorable discharge. A dishonorable discharge releases the*  
20 *person from any further obligation, except as otherwise provided*  
21 *in subsection 3.*

22 3. Any amount of restitution remaining unpaid constitutes a  
23 civil liability arising upon the date of discharge and is enforceable  
24 pursuant to NRS 176.275.

25 ~~3. Except as otherwise provided in subsection 4, a)~~

26 4. A person who has been ~~honorably~~ discharged from  
27 probation:

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

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

30 ~~(1) The right to vote; and~~

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



1 (c) *Except as otherwise provided in paragraph (d), is*  
2 *immediately restored to the right to vote.*

3 (d) *Two years after the date of discharge from probation, is*  
4 *restored to the right to vote if the person has previously been*  
5 *convicted in this State:*

6 (1) *Of a category A felony.*

7 (2) *Of an offense that would constitute a category A felony*  
8 *if committed as of the date of discharge from probation.*

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

11 (4) *Of an offense involving the use of force or violence that*  
12 *resulted in substantial bodily harm to the victim and that would*  
13 *constitute a category B felony if committed as of the date of*  
14 *discharge from probation.*

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

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

20 ~~(e)~~ (g) If the person meets the requirements of NRS 179.245,  
21 may apply to the court for the sealing of records relating to the  
22 conviction.

23 ~~(f)~~ (h) Must be informed of the provisions of this section and  
24 NRS 179.245 in the person's probation papers.

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

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

33 ~~(i)~~ (k) Except as otherwise provided in paragraph ~~(h)~~ (j),  
34 need not disclose the conviction to an employer or prospective  
35 employer.

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

40 ~~—(a) Of a category A felony.~~

41 ~~—(b) Of an offense that would constitute a category A felony if~~  
42 ~~committed as of the date of the honorable discharge from probation.~~

43 ~~—(c) Of a category B felony involving the use of force or violencee~~  
44 ~~that resulted in substantial bodily harm to the victim.~~



1 ~~—(d) Of an offense involving the use of force or violence that~~  
2 ~~resulted in substantial bodily harm to the victim and that would~~  
3 ~~constitute a category B felony if committed as of the date of~~  
4 ~~honorable discharge from probation.~~

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

10 ~~→ A person described in this subsection may petition a court of~~  
11 ~~competent jurisdiction for an order granting the restoration of civil~~  
12 ~~rights as set forth in subsection 3.]~~

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

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

21 (a) That the person has received an honorable discharge *or*  
22 *dishonorable discharge, as applicable*, from probation;

23 (b) That the person ~~has been~~ *is* restored to his or her civil  
24 rights to vote and to serve as a juror in a civil action as of the ~~date~~  
25 ~~of honorable discharge from probation;~~ *applicable dates set forth*  
26 *in paragraphs (b), (c) and (d) of subsection 4;*

27 (c) The date on which the person's civil right to hold office will  
28 be restored pursuant to paragraph ~~(c)~~ *(e)* of subsection ~~3;~~ *4;* and

29 (d) The date on which the person's civil right to serve as a juror  
30 in a criminal action will be restored pursuant to paragraph ~~(d)~~ *(f)*  
31 of subsection ~~3;~~ *4.*

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

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



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

3 (b) A court order restoring the person's civil rights,  
4 as proof that the person has been restored to the civil rights set  
5 forth in subsection ~~3-~~ 4.

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

7 213.155 1. ~~Except as otherwise provided in subsection 2, a~~  
8 *A* person who receives ~~an honorable~~ *a* discharge from parole  
9 pursuant to NRS 213.154:

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

11 ~~(1) The right to vote; and~~

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

13 (b) *Except as otherwise provided in paragraph (c), is*  
14 *immediately restored to the right to vote.*

15 (c) *Two years after the date of his or her discharge from*  
16 *parole, is restored to the right to vote if the person has previously*  
17 *been convicted in this State:*

18 (1) *Of a category A felony.*

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

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

23 (4) *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*  
26 *discharge from parole.*

27 (d) Four years after the date of his or her ~~honorable~~ discharge  
28 from parole, is restored to the right to hold office.

29 ~~(e)~~ (e) Six years after the date of his or her ~~honorable~~  
30 discharge from parole, is restored to the right to serve as a juror in a  
31 criminal action.

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

36 ~~(a) Of a category A felony.~~

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

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 ~~resulted in substantial bodily harm to the victim and that would~~  
44 ~~constitute a category B felony if committed as of the date of his or~~  
45 ~~her honorable discharge from parole.~~



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

6 ~~↪ A person described in this subsection may petition a court of~~  
7 ~~competent jurisdiction for an order granting the restoration of his or~~  
8 ~~her civil rights as set forth in subsection 1.~~

9 ~~—3.— Except for a person subject to the limitations set forth in~~  
10 ~~subsection 2, upon} **Upon** his or her {honorable} discharge from~~  
11 ~~parole, a person so discharged must be given an official document~~  
12 ~~which provides:~~

13 (a) That the person has received an honorable discharge *or*  
14 *dishonorable discharge, as applicable*, from parole;

15 (b) That the person {has been} *is* restored to his or her civil  
16 rights to vote and to serve as a juror in a civil action as of the {date  
17 of his or her honorable discharge from parole;} *applicable dates set*  
18 *forth in paragraphs (a), (b) and (c) of subsection 1;*

19 (c) The date on which his or her civil right to hold office will be  
20 restored to the person pursuant to paragraph {(b)} *(d)* of subsection  
21 1; and

22 (d) The date on which his or her civil right to serve as a juror in  
23 a criminal action will be restored to the person pursuant to  
24 paragraph {(e)} *(e)* of subsection 1.

25 ~~{4.— Subject to the limitations set forth in subsection 2, a}~~

26 **3.** A person who has been {honorable} discharged from parole  
27 in this State or elsewhere and whose official documentation of his or  
28 her {honorable} discharge from parole is lost, damaged or destroyed  
29 may file a written request with a court of competent jurisdiction to  
30 restore his or her civil rights pursuant to this section. Upon  
31 verification that the person has been {honorable} discharged from  
32 parole and is eligible to be restored to the civil rights set forth in  
33 subsection 1, the court shall issue an order restoring the person to  
34 the civil rights set forth in subsection 1. A person must not be  
35 required to pay a fee to receive such an order.

36 ~~{5.—}~~ **4.** A person who has been {honorable} discharged from  
37 parole in this State or elsewhere may present:

38 (a) Official documentation of his or her {honorable} discharge  
39 from parole, if it contains the provisions set forth in subsection ~~{3;}~~  
40 **2;** or

41 (b) A court order restoring his or her civil rights,  
42 ↪ as proof that the person has been restored to the civil rights set  
43 forth in subsection 1.

44 ~~{6.—}~~ **5.** The Board may adopt regulations necessary or  
45 convenient for the purposes of this section.



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

2     213.157 1. ~~{Except as otherwise provided in subsection 2, a}~~

3     A person convicted of a felony in the State of Nevada who has  
4     served his or her sentence and has been released from prison:

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

6     ~~— (1) The right to vote; and~~

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

8     (b) *Except as otherwise provided in paragraph (c), is*  
9     *immediately restored to the right to vote.*

10    (c) *Two years after the date of his or her release from prison,*  
11    *is restored to the right to vote if the person has previously been*  
12    *convicted in this State:*

13       (1) *Of a category A felony.*

14       (2) *Of an offense that would constitute a category A felony*  
15       *if committed as of the date of his or her release from prison.*

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

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

22    (d) Four years after the date of his or her release from prison, is  
23    restored to the right to hold office.

24    ~~{(e)}~~ (e) Six years after the date of his or her release from  
25    prison, is restored to the right to serve as a juror in a criminal action.

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

30    ~~— (a) Of a category A felony.~~

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

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

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

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



1 ~~→ A person described in this subsection may petition a court of~~  
2 ~~competent jurisdiction for an order granting the restoration of his or~~  
3 ~~her civil rights as set forth in subsection 1.~~

4 ~~—3.— Except for a person subject to the limitations set forth in~~  
5 ~~subsection 2, upon~~ *Upon* his or her release from prison, a person so  
6 released must be given an official document which provides:

7 (a) That the person has been released from prison;

8 (b) That the person ~~has been~~ *is* restored to his or her civil  
9 rights to vote and to serve as a juror in a civil action as of the ~~date~~  
10 ~~of his or her release from prison;~~ *applicable dates set forth in*  
11 *paragraphs (a), (b) and (c) of subsection 1;*

12 (c) The date on which his or her civil right to hold office will be  
13 restored to the person pursuant to paragraph ~~{(b)}~~ *(d)* of subsection  
14 1; and

15 (d) The date on which his or her civil right to serve as a juror in  
16 a criminal action will be restored to the person pursuant to  
17 paragraph ~~{(e)}~~ *(e)* of subsection 1.

18 ~~{4.— Subject to the limitations set forth in subsection 2, a}~~

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

28 ~~{5}~~ **4.** A person who has been released from prison in this  
29 State or elsewhere may present:

30 (a) Official documentation of his or her release from prison, if it  
31 contains the provisions set forth in subsection ~~{3}~~ **2**; or

32 (b) A court order restoring his or her civil rights,

33 ~~→~~ as proof that the person has been restored to the civil rights set  
34 forth in subsection 1.

35 **Sec. 4.** 1. Any person residing in this State who:

36 (a) Before October 1, 2017:

37 (1) Was discharged from probation pursuant to NRS  
38 176A.850 or 176A.870, discharged from parole pursuant to NRS  
39 213.155 or released from prison pursuant to NRS 213.157, as those  
40 sections existed before October 1, 2017; and

41 (2) Was previously convicted in this State:

42 (I) Of a category A felony;

43 (II) Of an offense that would constitute a category A  
44 felony if committed as of the date of discharge from probation,  
45 discharge from parole or release from prison, as applicable;



1 (III) Of a category B felony involving the use of force or  
2 violence that resulted in substantial bodily harm to the victim; or

3 (IV) Of an offense involving the use of force or violence  
4 that resulted in substantial bodily harm to the victim and that would  
5 constitute a category B felony if committed as of the date of  
6 discharge from probation, discharge from parole or release from  
7 prison, as applicable;

8 (b) Is not on probation or parole or serving a sentence of  
9 imprisonment on October 1, 2017; and

10 (c) Has not already had his or her civil rights restored,  
11 ➤ is immediately restored to the right to serve as a juror in a civil  
12 action. Two years after the date on which the person was discharged  
13 from probation, discharged from parole or released from prison, as  
14 applicable, he or she is restored to the right to vote. Four years after  
15 the date on which the person was discharged from probation,  
16 discharged from parole or released from prison, as applicable, he or  
17 she is restored to the right to hold office. Six years after the date on  
18 which the person was discharged from probation, discharged from  
19 parole or released from prison, as applicable, he or she is restored to  
20 the right to serve as a juror in a criminal action.

21 2. A person who is restored to his or her civil rights pursuant to  
22 this section and whose official documentation which demonstrates  
23 that the person qualifies to have his or her civil rights restored  
24 pursuant to subsection 1 is lost, damaged or destroyed may file a  
25 written request with a court of competent jurisdiction to restore his  
26 or her civil rights pursuant to this section. Upon verification that the  
27 person qualifies to have his or her civil rights restored pursuant to  
28 subsection 1, the court shall issue an order restoring the person to  
29 the civil rights set forth in subsection 1. A person must not be  
30 required to pay a fee to receive such an order.

31 3. A person who is restored to his or her civil rights pursuant to  
32 this section may present official documentation that he or she  
33 qualifies to have his or her civil rights restored pursuant to  
34 subsection 1 or a court order restoring his or her civil rights as proof  
35 that he or she has been restored to the civil rights set forth in  
36 subsection 1.

37 **Sec. 5.** NRS 176A.870 is hereby repealed.

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TEXT OF REPEALED SECTION

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**176A.870 Dishonorable discharge.** A defendant whose term  
of probation has expired and:



1. Whose whereabouts are unknown;
2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,  
↳ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275, but does not entitle the probationer to any privilege conferred by NRS 176A.850.

