
ASSEMBLY BILL NO. 260—ASSEMBLYMEN TOLLES, OSCARSON;
BENITEZ-THOMPSON, HAMBRICK, KRASNER, MILLER,
PICKARD, WHEELER, WOODBURY AND YEAGER

MARCH 7, 2017

JOINT SPONSORS: SENATORS GANSERT,
CANNIZZARO, HARRIS AND HARDY

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the crime of prostitution. (BDR 1-821)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 crimes; authorizing justice courts and municipal courts to suspend the sentence of certain persons convicted of solicitation for prostitution upon the condition that the person complete a program for treatment of persons convicted of solicitation for prostitution; revising provisions and penalties for certain acts relating to prostitution; enacting various provisions pertaining to the program of treatment; providing for the sealing of certain records related to the solicitation of prostitution; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a person who engages in solicitation for prostitution,
2 or offers or agrees to engage in prostitution, for the first offense, is guilty of a
3 misdemeanor. (NRS 201.354, 207.030) **Section 4** of this bill provides that a
4 prostitute who engages in prostitution or solicitation for prostitution under certain
5 circumstances is guilty of a misdemeanor. **Section 4** also provides that a customer
6 who is found guilty of engaging in prostitution or soliciting prostitution for a: (1)
7 first offense, is guilty of a misdemeanor and a mandatory fine of not less than \$400;



* A B 2 6 0 R 1 *

8 (2) second offense, is guilty of a gross misdemeanor and a mandatory fine of not
9 less than \$800; and (3) third and subsequent offense, is guilty of a gross
10 misdemeanor and a mandatory fine of not less than \$1,300. **Section 4** additionally
11 requires the court to impose a civil penalty on a customer who is found guilty of
12 such an offense, and provides that the civil penalties collected be used only for: (1)
13 enforcing certain crimes relating to solicitation for prostitution; and (2) programs of
14 treatment for persons who solicit prostitution which are certified by the Division of
15 Public and Behavioral Health of the Department of Health and Human Services.
16 **Section 4** authorizes a court to suspend further proceedings of certain eligible
17 defendants, without entering a judgment of conviction, and to place the defendant
18 on probation with terms and conditions that include successful completion of the
19 program of treatment. **Section 4** additionally requires a court, under certain
20 circumstances, to seal documents relating to a case involving a defendant who was
21 assigned to a program of treatment for persons who solicit prostitution after the
22 defendant is discharged.

23 Existing law authorizes a justice of the peace or municipal judge to suspend the
24 sentence of a person convicted of a misdemeanor that constitutes domestic violence
25 upon the conditions that the person participate in certain programs for treatment
26 and comply with any other condition ordered by the justice of the peace or
27 municipal judge. (NRS 4.373, 5.055) **Sections 2 and 3** of this bill similarly
28 authorize a justice of the peace or municipal judge to suspend the sentence of a
29 person who is convicted of a misdemeanor that constitutes solicitation for
30 prostitution on the condition that the person actively participates in a program for
31 the treatment of persons who solicit prostitution and comply with any other
32 conditions ordered by the justice of the peace or municipal judge.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** NRS 4.373 is hereby amended to read as follows:

3 4.373 1. Except as otherwise provided in ~~subsection 2,~~
4 **subsections 2 and 3**, NRS 211A.127 or another specific statute, or
5 unless the suspension of a sentence is expressly forbidden, a justice
6 of the peace may suspend, for not more than 2 years, the sentence of
7 a person convicted of a misdemeanor. If the circumstances warrant,
8 the justice of the peace may order as a condition of suspension that
9 the offender:

10 (a) Make restitution to the owner of any property that is lost,
11 damaged or destroyed as a result of the commission of the offense;

12 (b) Engage in a program of community service, for not more
13 than 200 hours;

14 (c) Actively participate in a program of professional counseling
15 at the expense of the offender;

16 (d) Abstain from the use of alcohol and controlled substances;

17 (e) Refrain from engaging in any criminal activity;

18 (f) Engage or refrain from engaging in any other conduct
19 deemed appropriate by the justice of the peace;



1 (g) Submit to a search and seizure by the chief of a department
2 of alternative sentencing, an assistant alternative sentencing officer
3 or any other law enforcement officer at any time of the day or night
4 without a search warrant; and

5 (h) Submit to periodic tests to determine whether the offender is
6 using a controlled substance or consuming alcohol.

7 2. If a person is convicted of a misdemeanor that constitutes
8 domestic violence pursuant to NRS 33.018, the justice of the peace
9 may, after the person has served any mandatory minimum period of
10 confinement, suspend the remainder of the sentence of the person
11 for not more than 3 years upon the condition that the person actively
12 participate in:

13 (a) A program of treatment for the abuse of alcohol or drugs
14 which is certified by the Division of Public and Behavioral Health
15 of the Department of Health and Human Services;

16 (b) A program for the treatment of persons who commit
17 domestic violence that has been certified pursuant to NRS 228.470;
18 or

19 (c) The programs set forth in paragraphs (a) and (b),
20 and that the person comply with any other condition of
21 suspension ordered by the justice of the peace.

22 3. *Except as otherwise provided in this subsection, if a person*
23 *is convicted of a misdemeanor that constitutes solicitation for*
24 *prostitution pursuant to NRS 201.354 or paragraph (b) of*
25 *subsection 1 of NRS 207.030, the justice of the peace may suspend*
26 *the sentence for not more than 2 years upon the condition that the*
27 *person:*

28 (a) *Actively participate in a program for the treatment of*
29 *persons who solicit prostitution which is certified by the Division*
30 *of Public and Behavioral Health of the Department of Health and*
31 *Human Services; and*

32 (b) *Comply with any other condition of suspension ordered by*
33 *the justice of the peace.*

34 *The justice of the peace may not suspend the sentence of a*
35 *person pursuant to this subsection if the person has previously*
36 *participated in a program for the treatment of persons who solicit*
37 *prostitution which is certified by the Division of Public and*
38 *Behavioral Health of the Department of Health and Human*
39 *Services.*

40 4. The justice of the peace may order reports from a person
41 whose sentence is suspended at such times as the justice of the
42 peace deems appropriate concerning the compliance of the offender
43 with the conditions of suspension. If the offender complies with the
44 conditions of suspension to the satisfaction of the justice of the



1 peace, the sentence may be reduced to not less than the minimum
2 period of confinement established for the offense.

3 ~~4.1~~ 5. The justice of the peace may issue a warrant for the
4 arrest of an offender who violates or fails to fulfill a condition of
5 suspension.

6 **Sec. 3.** NRS 5.055 is hereby amended to read as follows:

7 5.055 1. Except as otherwise provided in ~~subsection 2,~~
8 *subsections 2 and 3*, NRS 211A.127 or another specific statute, or
9 unless the suspension of a sentence is expressly forbidden, a
10 municipal judge may suspend, for not more than 2 years, the
11 sentence of a person convicted of a misdemeanor. If the
12 circumstances warrant, the municipal judge may order as a
13 condition of suspension that the offender:

14 (a) Make restitution to the owner of any property that is lost,
15 damaged or destroyed as a result of the commission of the offense;

16 (b) Engage in a program of community service, for not more
17 than 200 hours;

18 (c) Actively participate in a program of professional counseling
19 at the expense of the offender;

20 (d) Abstain from the use of alcohol and controlled substances;

21 (e) Refrain from engaging in any criminal activity;

22 (f) Engage or refrain from engaging in any other conduct
23 deemed appropriate by the municipal judge;

24 (g) Submit to a search and seizure by the chief of a department
25 of alternative sentencing, an assistant alternative sentencing officer
26 or any other law enforcement officer at any time of the day or night
27 without a search warrant; and

28 (h) Submit to periodic tests to determine whether the offender is
29 using any controlled substance or alcohol.

30 2. If a person is convicted of a misdemeanor that constitutes
31 domestic violence pursuant to NRS 33.018, the municipal judge
32 may, after the person has served any mandatory minimum period of
33 confinement, suspend the remainder of the sentence of the person
34 for not more than 3 years upon the condition that the person actively
35 participate in:

36 (a) A program of treatment for the abuse of alcohol or drugs
37 which is certified by the Division of Public and Behavioral Health
38 of the Department of Health and Human Services;

39 (b) A program for the treatment of persons who commit
40 domestic violence that has been certified pursuant to NRS 228.470;
41 or

42 (c) The programs set forth in paragraphs (a) and (b),

43 ➔ and that the person comply with any other condition of
44 suspension ordered by the municipal judge.



1 3. *Except as otherwise provided in this subsection, if a person*
2 *is convicted of a misdemeanor that constitutes solicitation for*
3 *prostitution pursuant to NRS 201.354 or paragraph (b) of*
4 *subsection 1 of NRS 207.030, the municipal judge may suspend*
5 *the sentence for not more than 2 years upon the condition that the*
6 *person:*

7 (a) *Actively participate in a program for the treatment of*
8 *persons who solicit prostitution which is certified by the Division*
9 *of Public and Behavioral Health of the Department of Health and*
10 *Human Services; and*

11 (b) *Comply with any other condition of suspension ordered by*
12 *the municipal judge.*

13 ↪ *The municipal judge may not suspend the sentence of a person*
14 *pursuant to this subsection if the person has previously*
15 *participated in a program for the treatment of persons who solicit*
16 *prostitution which is certified by the Division of Public and*
17 *Behavioral Health of the Department of Health and Human*
18 *Services.*

19 4. The municipal judge may order reports from a person whose
20 sentence is suspended at such times as the municipal judge deems
21 appropriate concerning the compliance of the offender with the
22 conditions of suspension. If the offender complies with the
23 conditions of suspension to the satisfaction of the municipal judge,
24 the sentence may be reduced to not less than the minimum period of
25 confinement established for the offense.

26 ~~4~~ 5. The municipal judge may issue a warrant for the arrest
27 of an offender who violates or fails to fulfill a condition of
28 suspension.

29 **Sec. 3.2.** NRS 179.245 is hereby amended to read as follows:

30 179.245 1. Except as otherwise provided in subsection 5 and
31 NRS 176A.265, 176A.295, 179.259, **201.354**, 453.3365 and
32 458.330, a person may petition the court in which the person was
33 convicted for the sealing of all records relating to a conviction of:

34 (a) A category A or B felony after 15 years from the date of
35 release from actual custody or discharge from parole or probation,
36 whichever occurs later;

37 (b) A category C or D felony after 12 years from the date of
38 release from actual custody or discharge from parole or probation,
39 whichever occurs later;

40 (c) A category E felony after 7 years from the date of release
41 from actual custody or discharge from parole or probation,
42 whichever occurs later;

43 (d) Except as otherwise provided in paragraph (e), any gross
44 misdemeanor after 5 years from the date of release from actual
45 custody or discharge from probation, whichever occurs later;



1 (e) A violation of NRS 422.540 to 422.570, inclusive, other than
2 a felony, a violation of NRS 484C.110 or 484C.120 other than a
3 felony, or a battery which constitutes domestic violence pursuant to
4 NRS 33.018 other than a felony, after 7 years from the date of
5 release from actual custody or from the date when the person is no
6 longer under a suspended sentence, whichever occurs later; or

7 (f) Any other misdemeanor after 2 years from the date of release
8 from actual custody or from the date when the person is no longer
9 under a suspended sentence, whichever occurs later.

10 2. A petition filed pursuant to subsection 1 must:

11 (a) Be accompanied by the petitioner's current, verified records
12 received from:

13 (1) The Central Repository for Nevada Records of Criminal
14 History; and

15 (2) All agencies of criminal justice which maintain such
16 records within the city or county in which the conviction was
17 entered;

18 (b) If the petition references NRS 453.3365 or 458.330, include
19 a certificate of acknowledgment or the disposition of the
20 proceedings for the records to be sealed from all agencies of
21 criminal justice which maintain such records;

22 (c) Include a list of any other public or private agency, company,
23 official or other custodian of records that is reasonably known to the
24 petitioner to have possession of records of the conviction and to
25 whom the order to seal records, if issued, will be directed; and

26 (d) Include information that, to the best knowledge and belief of
27 the petitioner, accurately and completely identifies the records to be
28 sealed, including, without limitation, the:

29 (1) Date of birth of the petitioner;

30 (2) Specific conviction to which the records to be sealed
31 pertain; and

32 (3) Date of arrest relating to the specific conviction to which
33 the records to be sealed pertain.

34 3. Upon receiving a petition pursuant to this section, the court
35 shall notify the law enforcement agency that arrested the petitioner
36 for the crime and the prosecuting attorney, including, without
37 limitation, the Attorney General, who prosecuted the petitioner for
38 the crime. The prosecuting attorney and any person having relevant
39 evidence may testify and present evidence at the hearing on the
40 petition.

41 4. If, after the hearing, the court finds that, in the period
42 prescribed in subsection 1, the petitioner has not been charged with
43 any offense for which the charges are pending or convicted of any
44 offense, except for minor moving or standing traffic violations, the
45 court may order sealed all records of the conviction which are in the



1 custody of any agency of criminal justice or any public or private
2 agency, company, official or other custodian of records in the State
3 of Nevada, and may also order all such records of the petitioner
4 returned to the file of the court where the proceeding was
5 commenced from, including, without limitation, the Federal Bureau
6 of Investigation, the California Bureau of Criminal Identification
7 and Information and all other agencies of criminal justice which
8 maintain such records and which are reasonably known by either the
9 petitioner or the court to have possession of such records.

10 5. A person may not petition the court to seal records relating
11 to a conviction of:

12 (a) A crime against a child;

13 (b) A sexual offense;

14 (c) A violation of NRS 484C.110 or 484C.120 that is punishable
15 as a felony pursuant to paragraph (c) of subsection 1 of
16 NRS 484C.400;

17 (d) A violation of NRS 484C.430;

18 (e) A homicide resulting from driving or being in actual physical
19 control of a vehicle while under the influence of intoxicating liquor
20 or a controlled substance or resulting from any other conduct
21 prohibited by NRS 484C.110, 484C.130 or 484C.430;

22 (f) A violation of NRS 488.410 that is punishable as a felony
23 pursuant to NRS 488.427; or

24 (g) A violation of NRS 488.420 or 488.425.

25 6. If the court grants a petition for the sealing of records
26 pursuant to this section, upon the request of the person whose
27 records are sealed, the court may order sealed all records of the civil
28 proceeding in which the records were sealed.

29 7. As used in this section:

30 (a) "Crime against a child" has the meaning ascribed to it in
31 NRS 179D.0357.

32 (b) "Sexual offense" means:

33 (1) Murder of the first degree committed in the perpetration
34 or attempted perpetration of sexual assault or of sexual abuse or
35 sexual molestation of a child less than 14 years of age pursuant to
36 paragraph (b) of subsection 1 of NRS 200.030.

37 (2) Sexual assault pursuant to NRS 200.366.

38 (3) Statutory sexual seduction pursuant to NRS 200.368, if
39 punishable as a felony.

40 (4) Battery with intent to commit sexual assault pursuant to
41 NRS 200.400.

42 (5) An offense involving the administration of a drug to
43 another person with the intent to enable or assist the commission of
44 a felony pursuant to NRS 200.405, if the felony is an offense listed
45 in this paragraph.



1 (6) An offense involving the administration of a controlled
2 substance to another person with the intent to enable or assist the
3 commission of a crime of violence pursuant to NRS 200.408, if the
4 crime of violence is an offense listed in this paragraph.

5 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
6 involved sexual abuse or sexual exploitation.

7 (8) An offense involving pornography and a minor pursuant
8 to NRS 200.710 to 200.730, inclusive.

9 (9) Incest pursuant to NRS 201.180.

10 (10) Open or gross lewdness pursuant to NRS 201.210, if
11 punishable as a felony.

12 (11) Indecent or obscene exposure pursuant to NRS 201.220,
13 if punishable as a felony.

14 (12) Lewdness with a child pursuant to NRS 201.230.

15 (13) Sexual penetration of a dead human body pursuant to
16 NRS 201.450.

17 (14) Sexual conduct between certain employees of a school
18 or volunteers at a school and a pupil pursuant to NRS 201.540.

19 (15) Sexual conduct between certain employees of a college
20 or university and a student pursuant to NRS 201.550.

21 (16) Luring a child or a person with mental illness pursuant
22 to NRS 201.560, if punishable as a felony.

23 (17) An attempt to commit an offense listed in this
24 paragraph.

25 **Sec. 3.4.** NRS 179.275 is hereby amended to read as follows:

26 179.275 Where the court orders the sealing of a record
27 pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259,
28 **201.354**, 453.3365 or 458.330, a copy of the order must be sent to:

29 1. The Central Repository for Nevada Records of Criminal
30 History; and

31 2. Each agency of criminal justice and each public or private
32 company, agency, official or other custodian of records named in
33 the order, and that person shall seal the records in his or her custody
34 which relate to the matters contained in the order, shall advise the
35 court of compliance and shall then seal the order.

36 **Sec. 3.6.** NRS 179.285 is hereby amended to read as follows:

37 179.285 Except as otherwise provided in NRS 179.301:

38 1. If the court orders a record sealed pursuant to NRS
39 176A.265, 176A.295, 179.245, 179.255, 179.259, **201.354**,
40 453.3365 or 458.330:

41 (a) All proceedings recounted in the record are deemed never to
42 have occurred, and the person to whom the order pertains may
43 properly answer accordingly to any inquiry, including, without
44 limitation, an inquiry relating to an application for employment,
45 concerning the arrest, conviction, dismissal or acquittal and the



1 events and proceedings relating to the arrest, conviction, dismissal
2 or acquittal.

3 (b) The person is immediately restored to the following civil
4 rights if the person's civil rights previously have not been restored:

- 5 (1) The right to vote;
- 6 (2) The right to hold office; and
- 7 (3) The right to serve on a jury.

8 2. Upon the sealing of the person's records, a person who is
9 restored to his or her civil rights pursuant to subsection 1 must be
10 given:

11 (a) An official document which demonstrates that the person has
12 been restored to the civil rights set forth in paragraph (b) of
13 subsection 1; and

14 (b) A written notice informing the person that he or she has not
15 been restored to the right to bear arms, unless the person has
16 received a pardon and the pardon does not restrict his or her right to
17 bear arms.

18 3. A person who has had his or her records sealed in this State
19 or any other state and whose official documentation of the
20 restoration of civil rights is lost, damaged or destroyed may file a
21 written request with a court of competent jurisdiction to restore his
22 or her civil rights pursuant to this section. Upon verification that the
23 person has had his or her records sealed, the court shall issue an
24 order restoring the person to the civil rights to vote, to hold office
25 and to serve on a jury. A person must not be required to pay a fee to
26 receive such an order.

27 4. A person who has had his or her records sealed in this State
28 or any other state may present official documentation that the person
29 has been restored to his or her civil rights or a court order restoring
30 civil rights as proof that the person has been restored to the right to
31 vote, to hold office and to serve as a juror.

32 **Sec. 3.8.** NRS 179.295 is hereby amended to read as follows:

33 179.295 1. The person who is the subject of the records that
34 are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255,
35 179.259, **201.354**, 453.3365 or 458.330 may petition the court that
36 ordered the records sealed to permit inspection of the records by a
37 person named in the petition, and the court may order such
38 inspection. Except as otherwise provided in this section, subsection
39 8 of NRS 179.255 and NRS 179.259 and 179.301, the court may not
40 order the inspection of the records under any other circumstances.

41 2. If a person has been arrested, the charges have been
42 dismissed and the records of the arrest have been sealed, the court
43 may order the inspection of the records by a prosecuting attorney
44 upon a showing that as a result of newly discovered evidence, the
45 person has been arrested for the same or a similar offense and that



1 there is sufficient evidence reasonably to conclude that the person
2 will stand trial for the offense.

3 3. The court may, upon the application of a prosecuting
4 attorney or an attorney representing a defendant in a criminal action,
5 order an inspection of such records for the purpose of obtaining
6 information relating to persons who were involved in the incident
7 recorded.

8 4. This section does not prohibit a court from considering a
9 conviction for which records have been sealed pursuant to NRS
10 176A.265, 176A.295, 179.245, 179.255, 179.259, 201.354,
11 453.3365 or 458.330 in determining whether to grant a petition
12 pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259,
13 453.3365 or 458.330 for a conviction of another offense.

14 **Sec. 4.** NRS 201.354 is hereby amended to read as follows:

15 201.354 1. It is unlawful for any person to engage in
16 prostitution or solicitation therefor, except in a licensed house of
17 prostitution.

18 2. ~~{Except as otherwise provided in subsection 3, a person}~~ *A*
19 *prostitute* who violates subsection 1 is guilty of a misdemeanor.

20 3. *Except as otherwise provided in subsection 5, a customer*
21 *who violates subsection 1:*

22 (a) *For a first offense, is guilty of a misdemeanor and shall be*
23 *punished as provided in NRS 193.150, and by a fine of not less*
24 *than \$400.*

25 (b) *For a second offense, is guilty of a gross misdemeanor and*
26 *shall be punished as provided in NRS 193.140, and by a fine of not*
27 *less than \$800.*

28 (c) *For a third or subsequent offense, is guilty of a gross*
29 *misdemeanor and shall be punished as provided in NRS 193.140,*
30 *and by a fine of not less than \$1,300.*

31 4. *In addition to any other penalty imposed, the court shall*
32 *order a person who violates subsection 3 to pay a civil penalty of*
33 *not less than \$200 per offense. The civil penalty must be paid to*
34 *the district attorney or city attorney of the jurisdiction in which the*
35 *violation occurred. If the civil penalty imposed pursuant to this*
36 *subsection:*

37 (a) *Is not within the person's present ability to pay, in lieu of*
38 *paying the penalty, the court may allow the person to perform*
39 *community service for a reasonable number of hours, the value of*
40 *which would be commensurate with the civil penalty.*

41 (b) *Is not entirely within the person's present ability to pay, in*
42 *lieu of paying the entire civil penalty, the court may allow the*
43 *person to perform community service for a reasonable number of*
44 *hours, the value of which would be commensurate with the*
45 *amount of the reduction of the civil penalty.*



1 **5.** A ~~person~~ *customer* who violates subsection 1 by soliciting
2 a child for prostitution:

3 (a) For a first offense, is guilty of a category E felony and shall
4 be punished as provided in NRS 193.130, and by a fine of not more
5 than \$5,000.

6 (b) For a second offense, is guilty of a category D felony and
7 shall be punished as provided in NRS 193.130.

8 (c) For a third or subsequent offense, is guilty of a category C
9 felony and shall be punished as provided in NRS 193.130. The court
10 shall not grant probation to or suspend the sentence of a person
11 punished pursuant to this paragraph.

12 **6.** *Any civil penalty collected by a district attorney or city*
13 *attorney pursuant to subsection 4 must be deposited in the county*
14 *or city treasury, as applicable, to be used for:*

15 (a) *The enforcement of this section; and*

16 (b) *Programs of treatment for persons who solicit prostitution*
17 *which are certified by the Division of Public and Behavioral*
18 *Health of the Department of Health and Human Services.*

19 ↪ *Not less than 50 percent of the money deposited in the county*
20 *or city treasury, as applicable, pursuant to this subsection must be*
21 *used for the enforcement of this section.*

22 **7.** *If a person who violates subsection 1 is ordered pursuant*
23 *to NRS 4.373 or 5.055 to participate in a program for the*
24 *treatment of persons who solicit prostitution, upon fulfillment of*
25 *the terms and conditions of the program, the court may discharge*
26 *the person and dismiss the proceedings against the person. If the*
27 *court discharges the person and dismisses the proceedings against*
28 *the person, a nonpublic record of the discharge and dismissal*
29 *must be transmitted to and retained by the Division of Parole and*
30 *Probation of the Department of Public Safety solely for the use of*
31 *the courts in determining whether, in later proceedings, the person*
32 *qualifies under this section for participation in a program of*
33 *treatment for persons who solicit prostitution. Except as otherwise*
34 *provided in this subsection, discharge and dismissal under this*
35 *subsection is without adjudication of guilt and is not a conviction*
36 *for purposes of employment, civil rights or any statute or*
37 *regulation or license or questionnaire or for any other public or*
38 *private purpose, but is a conviction for the purpose of additional*
39 *penalties imposed for a second or subsequent conviction or the*
40 *setting of bail. Discharge and dismissal restores the person*
41 *discharged, in the contemplation of the law, to the status occupied*
42 *before the proceedings. The person may not be held thereafter*
43 *under any law to be guilty of perjury or otherwise giving a false*
44 *statement by reason of failure to recite or acknowledge the*
45 *proceedings in response to an inquiry made of the person for any*



1 *purpose. Discharge and dismissal under this subsection may occur*
2 *only once with respect to any person. A professional licensing*
3 *board may consider a proceeding under this subsection in*
4 *determining suitability for a license or liability to discipline for*
5 *misconduct. Such a board is entitled for those purposes to a*
6 *truthful answer from the applicant or licensee concerning any*
7 *such proceeding with respect to the applicant or licensee.*

8 *8. Except as limited by subsection 9, if a person is discharged*
9 *and the proceedings against the person are dismissed pursuant to*
10 *subsection 7, the court shall, without a hearing, order sealed all*
11 *documents, papers and exhibits in that person's record, minute*
12 *book entries and entries on dockets, and other documents relating*
13 *to the case in the custody of such other agencies and officers as*
14 *are named in the court's order. The court shall cause a copy of the*
15 *order to be sent to each agency or officer named in the order.*
16 *Each such agency or officer shall notify the court in writing of its*
17 *compliance with the order.*

18 *9. A professional licensing board is entitled, for the purpose*
19 *of determining suitability for a license or liability to discipline for*
20 *misconduct, to inspect and to copy from a record sealed pursuant*
21 *to this section.*

22 **Sec. 5.** (Deleted by amendment.)

