
ASSEMBLY BILL NO. 192—ASSEMBLYMEN MCCURDY, ASSEFA,
YEAGER, FUMO, FLORES; BACKUS, CARRILLO, FRIERSON,
MONROE-MORENO, MUNK, NGUYEN, SWANK, THOMPSON
AND WATTS

FEBRUARY 18, 2019

JOINT SPONSORS: SENATORS ATKINSON, CANCELA AND PARKS

Referred to Committee on Judiciary

SUMMARY—Establishes a procedure when certain offenses are decriminalized. (BDR 14-319)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; establishing a procedure when certain offenses are decriminalized to ensure certain actions are taken with respect to any person previously convicted of the offense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill provides that when an offense is decriminalized, as soon
2 as practicable, the Central Repository for Nevada Records of Criminal History is
3 required to: (1) identify persons convicted of the offense before the offense was
4 decriminalized; (2) notify such persons in writing; (3) destroy any physical or
5 electronic record of criminal history in its possession relating to the conviction; and
6 (4) notify any agency of criminal justice that has custody of any physical or
7 electronic record of criminal history relating to the conviction. **Section 1** also
8 requires an agency of criminal justice that receives such a notice from the Central
9 Repository, as soon as practicable after receiving such a notice, to destroy any
10 physical or electronic record of criminal history in its possession relating to the
11 conviction. Additionally, **section 1** provides that the conviction and all proceedings
12 recounted in the record of criminal history are deemed never to have occurred, and
13 the person convicted of the offense may properly answer accordingly to any inquiry
14 concerning the conviction and the events and proceedings relating to the
15 conviction. Finally, **section 1** provides that the person convicted of the offense is
16 immediately restored to all civil rights if the person's civil rights previously have
17 not been restored and the person has not been convicted of another offense for



18 which the person's civil rights are not yet eligible for restoration. **Section 1** does
19 not apply to a traffic offense. **Section 2** of this bill makes a conforming change.
20 **Section 3** of this bill provides that the requirements of this bill apply to
21 offenses that were decriminalized before, on and after July 1, 2019.

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

1 **Section 1.** Chapter 179A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *1. Except as otherwise provided in this section, if an offense*
4 *is decriminalized:*

5 *(a) The Central Repository shall, as soon as practicable:*

6 *(1) Identify any person who was convicted of that offense*
7 *before the date on which the offense was decriminalized;*

8 *(2) Notify, in writing, any person identified pursuant to*
9 *subparagraph (1) of the provisions of this section at the last*
10 *known address of the person;*

11 *(3) Destroy any physical or electronic record of criminal*
12 *history in its possession relating to the conviction; and*

13 *(4) Notify, in writing, any agency of criminal justice that*
14 *has custody of any physical or electronic record of criminal*
15 *history relating to the conviction.*

16 *(b) An agency of criminal justice that receives a notice from*
17 *the Central Repository pursuant to subparagraph (4) of paragraph*
18 *(a) shall, as soon as practicable after receiving such a notice,*
19 *destroy any physical or electronic record of criminal history in its*
20 *possession relating to the conviction.*

21 *(c) The conviction and all proceedings recounted in the record*
22 *of criminal history are deemed never to have occurred, and the*
23 *person convicted of the offense may properly answer accordingly*
24 *to any inquiry, including, without limitation, an inquiry relating to*
25 *an application for employment, concerning the conviction and the*
26 *events and proceedings relating to the conviction.*

27 *(d) The person convicted of the offense is immediately restored*
28 *to all civil rights if the person's civil rights previously have not*
29 *been restored and the person has not been convicted of another*
30 *offense for which the person's civil rights are not yet eligible for*
31 *restoration. A person whose civil rights are restored pursuant to*
32 *this paragraph must be given an official document from the*
33 *Central Repository, sent to the last known address of the person,*
34 *which demonstrates that the person has been restored to all civil*
35 *rights.*

36 *2. The provisions of this section do not apply to a traffic*
37 *offense.*



1 **3. As used in this section:**

2 (a) *“Decriminalized” means that an offense is no longer*
3 *punishable as a crime as the result of enactment of an act of the*
4 *Legislature or the passage of a referendum petition or initiative*
5 *petition pursuant to Article 19 of the Nevada Constitution.*

6 (b) *“Traffic offense” means a violation of any state or local*
7 *law or ordinance governing the operation of a motor vehicle upon*
8 *any highway within this State.*

9 **Sec. 2.** NRS 6.010 is hereby amended to read as follows:

10 6.010 Except as otherwise provided in this section, every
11 qualified elector of the State, whether registered or not, who has
12 sufficient knowledge of the English language, and who has not been
13 convicted of treason, a felony, or other infamous crime, and who is
14 not rendered incapable by reason of physical or mental infirmity, is
15 a qualified juror of the county in which the person resides. A person
16 who has been convicted of a felony is not a qualified juror of the
17 county in which the person resides until the person’s civil right to
18 serve as a juror has been restored pursuant to NRS 176A.850,
19 179.285, 213.090, 213.155 or 213.157 ~~§~~ *or section 1 of this act.*

20 **Sec. 3.** The amendatory provisions of this act apply to an
21 offense that:

- 22 1. Was decriminalized before July 1, 2019; and
23 2. Is decriminalized on or after July 1, 2019.

24 **Sec. 4.** This act becomes effective on July 1, 2019.

