

---

---

ASSEMBLY BILL NO. 251—ASSEMBLYMEN KRASNER,  
FLORES, C.H. MILLER; AND NGUYEN

MARCH 12, 2021

---

JOINT SPONSORS: SENATORS HARDY; BUCK,  
DONATE, D. HARRIS AND OHRENSCHALL

---

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to juvenile justice.  
(BDR 5-986)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

~

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

---

---

AN ACT relating to juvenile justice; requiring a peace officer or probation officer to ensure that a child in custody consults with a parent or guardian or an attorney before the commencement of a custodial interrogation of the child; establishing provisions relating to the destruction of certain records relating to children; repealing and revising certain provisions concerning the sealing of certain records relating to children; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a peace officer or probation officer to take a child into  
2 custody if: (1) the officer has probable cause to believe that the child is violating or  
3 has violated any state or local law, ordinance, or rule or regulation having the force  
4 of law; or (2) the conduct of the child indicates that the child is in need of  
5 supervision. (NRS 62C.010) **Section 1** of this bill requires a peace officer or  
6 probation officer to ensure that a child in custody consults with a parent or guardian  
7 or an attorney before the commencement of a custodial interrogation of the child.

8 Existing law authorizes a child who is less than 21 years of age, or a probation  
9 officer or parole officer on behalf of the child, to petition the juvenile court for the  
10 sealing of all records relating to the child if: (1) the petition is filed not earlier than  
11 3 years after the child was last adjudicated in need of supervision, adjudicated  
12 delinquent or placed under the supervision of the juvenile court; and (2) at the time  
13 the petition is filed, the child does not have any delinquent or criminal charges



14 pending. If the petition was timely filed, the child has not been convicted of a  
15 felony or of any misdemeanor involving moral turpitude and the child has been  
16 rehabilitated to the satisfaction of the juvenile court, existing law: (1) authorizes the  
17 juvenile court to order the sealing of all records relating to the child, if the child is  
18 less than 18 years of age; and (2) requires the juvenile court to order the sealing of  
19 all records relating to the child, if the child is 18 years of age or older. (NRS  
20 62H.130) Existing law also directs, with certain exceptions, that all records relating  
21 to a child be sealed when the child reaches 21 years of age. (NRS 62H.140)

22 Under certain circumstances, however, existing law requires a child to wait  
23 until he or she reaches 30 years of age to petition a juvenile court to seal his or her  
24 records relating to unlawful acts which, if committed by an adult, would have  
25 constituted: (1) sexual assault; (2) battery with intent to commit sexual assault; (3)  
26 lewdness with a child; or (4) a felony involving the use or threatened use of force or  
27 violence. (NRS 62H.150)

28 Existing law also establishes procedures which are specific to the vacation and  
29 sealing of records relating to certain unlawful acts committed by children who are  
30 victims of human trafficking or involuntary servitude. (NRS 62E.275)

31 **Sections 2-9** of this bill: (1) establish provisions relating to the destruction of  
32 certain records relating to children; and (2) revise and repeal provisions relating to  
33 the sealing of certain records relating to children.

34 **Section 4** of this bill requires every court or other agency with possession of  
35 expungable records relating to a child to destroy such records on the 18th birthday  
36 of the child, or at certain later dates, if the records relate to pending charges or  
37 relate to an unlawful act for which the child is subject to the supervision of the  
38 juvenile court or agency. **Section 4** defines "expungable record" as a record relating  
39 to an unlawful act that would have been a misdemeanor if committed by an adult.

40 **Sections 2, 3, 5 and 6** of this bill make conforming changes relating to the  
41 destruction of expungable records.

42 **Section 7** of this bill makes various changes to the existing process of sealing  
43 records relating to children. Specifically, **section 7** authorizes a child, or a  
44 probation officer or parole officer on behalf of the child, to petition the juvenile  
45 court for the sealing of records if, at the time the petition is filed: (1) the child is at  
46 least 18 years of age; (2) the record does not qualify for destruction pursuant to  
47 **section 4**; (3) the record is not a civil judgment relating to the payment of  
48 restitution which has not been satisfied or has expired; (4) the record does not relate  
49 to a pending charge; and (5) the record does not relate to an unlawful act for which  
50 the child is subject to the supervision of a juvenile court or other agency. **Section 7**  
51 authorizes the juvenile court to grant the petition by ordering the sealing of the  
52 records. **Sections 8 and 9** of this bill make conforming changes by revising and  
53 repealing certain provisions concerning the sealing of records relating to children.

---

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

1 **Section 1.** Chapter 62C of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. A peace officer or probation officer who takes a child into*  
4 *custody pursuant to NRS 62C.010 shall ensure that the child*  
5 *consults with his or her parent or guardian or an attorney before*  
6 *the commencement of a custodial interrogation.*

7 *2. As used in this section:*



1 (a) *“Custodial interrogation” means an interrogation of a*  
2 *child while the child is in custody.*

3 (b) *“Interrogation” means questioning which is initiated by a*  
4 *peace officer or probation officer or any words or actions on the*  
5 *part of a peace officer or probation officer, other than those which*  
6 *are ordinarily attendant to confinement or detention, that the*  
7 *peace officer or probation officer should know are reasonably*  
8 *likely to elicit an incriminating response from the child who is*  
9 *being questioned.*

10 **Sec. 2.** NRS 62E.275 is hereby amended to read as follows:

11 62E.275 1. If a child *is less than 18 years of age and* has  
12 been adjudicated delinquent for an unlawful act listed in subsection  
13 2, the child may petition the juvenile court for an order:

14 (a) Vacating the adjudication; and

15 (b) Sealing all records relating to the adjudication.

16 2. A child may file a petition pursuant to subsection 1 if the  
17 child was adjudicated delinquent for an unlawful act in violation of:

18 (a) NRS 201.354, for engaging in prostitution or solicitation for  
19 prostitution, provided that the child was not alleged to be a customer  
20 of a prostitute;

21 (b) NRS 207.200, for unlawful trespass;

22 (c) Paragraph (b) of subsection 1 of NRS 463.350, for loitering;  
23 or

24 (d) A county, city or town ordinance, for loitering for the  
25 purpose of solicitation or prostitution.

26 3. The juvenile court may grant a petition filed pursuant to  
27 subsection 1 if:

28 (a) The petitioner was adjudicated delinquent for an unlawful act  
29 described in subsection 2;

30 (b) The participation of the petitioner in the unlawful act was the  
31 result of the petitioner having been a victim of:

32 (1) Trafficking in persons as described in the Trafficking  
33 Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

34 (2) Involuntary servitude as described in NRS 200.463 or  
35 200.4631; and

36 (c) The petitioner files a petition pursuant to subsection 1 with  
37 due diligence after the petitioner has ceased being a victim of  
38 trafficking or involuntary servitude or has sought services for  
39 victims of such trafficking or involuntary servitude.

40 4. Before the court decides whether to grant a petition filed  
41 pursuant to subsection 1, the court shall:

42 (a) Notify the district attorney and the chief probation officer or  
43 the Chief of the Youth Parole Bureau and allow any person who has  
44 evidence that is relevant to consideration of the petition to testify at  
45 the hearing on the petition; and



1 (b) Take into consideration any reasonable concerns for the  
2 safety of the petitioner, family members of the petitioner or other  
3 victims that may be jeopardized by the granting of the petition.

4 5. If the court grants a petition filed pursuant to subsection 1,  
5 the court shall:

6 (a) Vacate the adjudication and dismiss the accusatory pleading;  
7 and

8 (b) Order sealed all records relating to the adjudication.

9 6. ~~HH~~ *Except as otherwise provided in subsection 8, if* a  
10 petition filed pursuant to subsection 1 does not satisfy the  
11 requirements of NRS 62H.130 or the juvenile court determines that  
12 the petition is otherwise deficient with respect to the sealing of the  
13 petitioner's record, the juvenile court may enter an order to vacate  
14 the adjudication and dismiss the accusatory pleading if the petitioner  
15 satisfies all requirements necessary for the adjudication to be  
16 vacated.

17 7. If the juvenile court enters an order pursuant to subsection 6,  
18 the court shall also order sealed all records of the petitioner which  
19 relate to the adjudication being vacated in accordance with  
20 paragraph (b) of subsection 5, regardless of whether any records  
21 relating to other adjudications are ineligible for sealing either by  
22 operation of law or because of a deficiency in the petition.

23 *8. A child may petition for the sealing of records pursuant to*  
24 *this section regardless of whether the records qualify for*  
25 *destruction pursuant to section 4 of this act. If a court grants the*  
26 *petition for the sealing of such records pursuant to this section,*  
27 *the records must remain sealed until such time that the records*  
28 *are destroyed pursuant to section 4 of this act.*

29 **Sec. 3.** NRS 62F.360 is hereby amended to read as follows:

30 62F.360 The records relating to a child must not be *destroyed*  
31 *pursuant to section 4 of this act or* sealed pursuant to the provisions  
32 of NRS ~~[62H.100 to 62H.170, inclusive,]~~ *62H.130* while the child is  
33 subject to registration and community notification pursuant to NRS  
34 179D.010 to 179D.550, inclusive.

35 **Sec. 4.** Chapter 62H of NRS is hereby amended by adding  
36 thereto a new section to read as follows:

37 *1. Except as otherwise provided in subsection 2, every*  
38 *juvenile court or agency with custody of an expungable record*  
39 *relating to a child shall destroy the expungable record on the 18th*  
40 *birthday of the child.*

41 *2. If the expungable record relates to a pending delinquent or*  
42 *criminal charge or an unlawful act for which the child is subject*  
43 *to the supervision of a juvenile court or another agency, the*  
44 *expungable record must be destroyed by the juvenile court or*  
45 *agency, as applicable, on the date that the charge is no longer*



1 *pending or on the date that the supervision of the juvenile court or*  
2 *agency terminates, whichever is later.*

3 3. *Upon the destruction of an expungable record pursuant to*  
4 *this section:*

5 (a) *All proceedings recounted in the expungable record are*  
6 *deemed never to have occurred; and*

7 (b) *The child may reply accordingly to any inquiry concerning*  
8 *the proceedings and the acts which brought about the proceedings.*

9 4. *As used in this section, "expungable record" means a*  
10 *record relating to an unlawful act that would have been a*  
11 *misdemeanor if committed by an adult.*

12 **Sec. 5.** NRS 62H.100 is hereby amended to read as follows:

13 62H.100 1. As used in NRS 62H.100 to 62H.170, inclusive,  
14 *and section 4 of this act*, unless the context otherwise requires,  
15 "records" means any records relating to a child who is within the  
16 purview of this title and who:

17 (a) Is taken into custody by a peace officer or a probation officer  
18 or is otherwise taken before a probation officer; or

19 (b) Appears before the juvenile court or any other court pursuant  
20 to the provisions of this title.

21 2. The term includes records of arrest.

22 **Sec. 6.** NRS 62H.110 is hereby amended to read as follows:

23 62H.110 The provisions of NRS 62H.100 to 62H.170,  
24 inclusive, *and section 4 of this act* do not apply to:

25 1. Information maintained in the standardized system  
26 established pursuant to NRS 62H.200;

27 2. Information that must be collected by the Division of Child  
28 and Family Services pursuant to NRS 62H.220;

29 3. Records that are subject to the provisions of NRS 62F.360;  
30 or

31 4. Records relating to a traffic offense that would have been a  
32 misdemeanor if committed by an adult.

33 **Sec. 7.** NRS 62H.130 is hereby amended to read as follows:

34 62H.130 1. ~~[If a child is less than 21 years of age, the]~~

35 *Except as otherwise provided in NRS 62E.275, a child or a*  
36 *probation or parole officer on behalf of the child may petition the*  
37 *juvenile court for an order sealing [all records] any record* relating  
38 *to the child [Except as otherwise provided in NRS 62E.275,] if, at*  
39 *the time the petition [may be] is filed:*

40 (a) ~~[Not earlier than 3 years after the child was last adjudicated~~  
41 ~~in need of supervision, adjudicated delinquent or placed under the~~  
42 ~~supervision of the juvenile court pursuant to NRS 62C.230;] *The*~~  
43 *child is at least 18 years of age; and*

44 (b) ~~[If, at the time the petition is filed, the child does not have~~  
45 ~~any] *The record:*~~



1 (1) *Is not:*

2 (I) *Subject to destruction pursuant to section 4 of this*  
3 *act; or*

4 (II) *A civil judgement entered pursuant to NRS 62B.420*  
5 *which has not been satisfied or has expired; and*

6 (2) *Does not relate to:*

7 (I) *A delinquent or criminal ~~charges~~ charge pending ~~it~~*  
8 *; or*

9 (II) *An unlawful act for which the child is subject to the*  
10 *supervision of a juvenile court or other agency.*

11 2. If a petition is filed pursuant to this section, the juvenile  
12 court shall notify the district attorney and, if a probation or parole  
13 officer is not the petitioner, the chief probation officer or the Chief  
14 of the Youth Parole Bureau.

15 3. The district attorney and the chief probation officer or any of  
16 their deputies, the Chief of the Youth Parole Bureau or his or her  
17 designee, or any other person who has evidence that is relevant to  
18 consideration of the petition may testify at the hearing on the  
19 petition.

20 4. ~~Except as otherwise provided in subsection 6, after~~ *After*  
21 *the hearing on the petition, [if the juvenile court finds that during the*  
22 *applicable 3 year period, the child has not been convicted of a*  
23 *felony or of any misdemeanor involving moral turpitude and the*  
24 *child has been rehabilitated to the satisfaction of the juvenile court,]*  
25 *the juvenile court ~~is~~*

26 ~~—(a) May~~ *may* enter an order sealing ~~all~~ *the* records relating to  
27 the child. ~~[if the child is less than 18 years of age; and~~

28 ~~—(b) Shall enter an order sealing all records relating to the child if~~  
29 ~~the child is 18 years of age or older.]~~

30 5. In determining whether ~~[a child has been rehabilitated to the~~  
31 ~~satisfaction of the juvenile court]~~ *to seal the records relating to the*  
32 *child* pursuant to subsection 4, the juvenile court may consider:

33 (a) The age of the child;

34 (b) The nature of the offense and the role of the child in the  
35 commission of the offense;

36 (c) The behavior of the child after the child was last adjudicated  
37 in need of supervision or adjudicated delinquent, placed under the  
38 informal supervision of a probation officer pursuant to NRS  
39 62C.200 or placed under the supervision of the juvenile court  
40 pursuant to NRS 62C.230;

41 (d) The response of the child to any treatment or rehabilitation  
42 program;

43 (e) The education and employment history of the child;

44 (f) The statement of the victim;



1 (g) The nature of any criminal offense for which the child was  
2 convicted;

3 (h) Whether the sealing of the record would be in the best  
4 interest of the child and the State; and

5 (i) Any other circumstance that may relate to the rehabilitation  
6 of the child.

7 ~~[6. If the juvenile court retains jurisdiction over a civil  
8 judgment and a person against whom the civil judgment was entered  
9 pursuant to NRS 62B.420, the case caption, case number and order  
10 entering the civil judgment must not be sealed until the civil  
11 judgment is satisfied or expires. After the civil judgment is satisfied  
12 or expires, the child or a person named as a judgment debtor may  
13 file a petition to seal such information.]~~

14 **Sec. 8.** NRS 62H.160 is hereby amended to read as follows:

15 62H.160 1. If the juvenile court enters an order sealing the  
16 records relating to a child , ~~for the records are sealed automatically,~~  
17 ~~all~~ the records relating to the child must be sealed that are in the  
18 custody of:

19 (a) The juvenile court or any other court;

20 (b) A probation officer, probation department or law  
21 enforcement agency; or

22 (c) Any other public officer or agency.

23 2. If the juvenile court enters an order sealing the records  
24 relating to a child, the juvenile court shall send a copy of the order  
25 to each public officer or agency named in the order. Not later than 5  
26 days after receipt of the order, each public officer or agency shall:

27 (a) Seal the records in the custody of the public officer or  
28 agency, as directed by the order;

29 (b) Advise the juvenile court of compliance with the order; and

30 (c) Seal the copy of the order received by the public officer or  
31 agency.

32 **Sec. 9.** NRS 62H.140 and 62H.150 are hereby repealed.

---

---

## TEXT OF REPEALED SECTIONS

---

---

**62H.140 Automatic sealing of records when child reaches 21 years of age; exception.** Except as otherwise provided in NRS 62H.130 and 62H.150, when a child reaches 21 years of age, all records relating to the child must be sealed automatically.



**62H.150 Limitations on sealing records related to certain delinquent acts.**

1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to NRS 62H.130 before the child reaches 21 years of age, unless the records have not been sealed pursuant to subsection 6 of NRS 62H.130, those records must not be sealed before the child reaches 30 years of age.

2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.

3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer or the Chief of the Youth Parole Bureau.

4. The district attorney and the chief probation officer or any of their deputies, the Chief of the Youth Parole Bureau or his or her designee, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.

6. The provisions of this section apply to any of the following unlawful acts:

(a) An unlawful act which, if committed by an adult, would have constituted:

(1) Sexual assault pursuant to NRS 200.366;

(2) Battery with intent to commit sexual assault pursuant to NRS 200.400; or

(3) Lewdness with a child pursuant to NRS 201.230.

(b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.

