

Amendment No. 889

Assembly Amendment to Assembly Bill No. 160 First Reprint (BDR 14-634)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in A.B. 160 R1.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.



ASSEMBLY BILL NO. 160—ASSEMBLYMEN C.H. MILLER, YEAGER, MONROE-MORENO,
JAUREGUI AND BRITTNEY MILLER

FEBRUARY 14, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the sealing of certain criminal records.
(BDR 14-634)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence; authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes certain procedures pursuant to which a person is authorized to
2 petition a court for the sealing of criminal records relating to: (1) convictions for certain
3 offenses; (2) charges against a person that were dismissed or declined for prosecution or for
4 which the person was acquitted; (3) a conviction which has been set aside; and (4) a
5 conviction for an offense that has been decriminalized. Existing law: (1) establishes certain

6 requirements concerning the amount of time that must elapse after a person was convicted or
7 charged before the records relating to the conviction or charge are eligible to be sealed
8 through the filing of such a petition; and (2) sets forth the circumstances under which a court
9 is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

10 **Section 1.3** of this bill requires the Records, Communications and Compliance Division
11 of the Department of Public Safety, not later than January 1, ~~2026~~ **2027**, to develop and
12 implement a process to identify each: (1) conviction of a person and each charge against a
13 person that becomes an eligible conviction and eligible charge; and (2) agency of criminal
14 justice or public or private company, agency, officer or other custodian of records that may
15 reasonably be identified as having possession of records relating to an eligible conviction or
16 eligible charge. **Section 1.3** defines “eligible conviction” and “eligible charge” to mean, in
17 general, certain convictions **of** or charges **against a person after January 1, 2027**, if the
18 records relating to the conviction or charge are eligible to be sealed pursuant to the provisions
19 of existing law governing the sealing of records. After the development and implementation of
20 the process of identifying eligible convictions and eligible charges, **section 1.3** requires the
21 Division to, each month: (1) identify and compile a list of each conviction or charge that has
22 become an eligible conviction or eligible charge in the immediately preceding month and each
23 person or governmental entity identified as having possession of records relating to those
24 eligible convictions and eligible charges; and (2) transmit the list to the Administrative Office
25 of the Courts to recommend the sealing of the records relating to a listed eligible conviction or
26 eligible charge.

27 **Section 1.3** requires the Administrative Office of the Courts, not later than January 1,
28 ~~2026~~ **2027**, to develop and implement a process to review ~~and approve~~ such a list received
29 from the Division and to transmit to every court having jurisdiction each conviction of a
30 person or charge against a person that has become an eligible conviction or eligible charge.
31 **Section 1.3** also requires the Administrative Office of the Courts, upon receiving such a list
32 from the Division, to confirm each eligible conviction and eligible charge and notify every
33 court having jurisdiction over the sealing of each eligible conviction or eligible charge.
34 **Section 1.3** requires a court that receives such a notification from the Administrative Office of
35 the Courts to then provide notice to the appropriate prosecuting attorney or agency and
36 authorizes the prosecuting attorney or agency to object to the sealing of the records relating to
37 each listed eligible conviction or eligible charge. **Section 1.3** further establishes the
38 circumstances in which the court may order the records to be sealed. **Section 5** of this bill
39 requires the order to be sent to the persons and governmental entities named in the order, who
40 are then required to seal records relating to the eligible conviction or eligible charge. **Section**
41 **1.3** also: (1) authorizes the Division and the Administrative Office of the Courts to adopt any
42 rules or regulations, as applicable, that are necessary to carry out the provisions of **section 1.3**;
43 and (2) requires the Administrative Office of the Courts to submit certain annual reports to the
44 Legislature beginning on January 31, ~~2027~~ **2028**.

45 Existing law provides, in general, that there is a rebuttable presumption that certain
46 records of a person should be sealed if the person petitions the court for the sealing of such
47 records and satisfies all statutory requirements. (NRS 179.2445) **Section 3.5** of this bill
48 provides that there is also a rebuttable presumption that certain records of a person should be
49 sealed if a court receives a list of confirmed eligible convictions or charges from the
50 Administrative Office of the Courts pursuant to **section 1.3** and the records relate to such
51 confirmed eligible convictions or charges. **Sections 3.7 and 3.9** of this bill make conforming
52 changes to reflect the change in **section 3.5**.

53 Existing law provides that if a court seals certain records of a person, certain civil rights
54 of the person are restored. Existing law requires the person to be given documentation
55 demonstrating that fact. If the documentation is lost, damaged or destroyed, the person is
56 authorized to request that a court issue an order to restore his or her civil rights. (NRS
57 179.285) **Section 6** of this bill makes a technical, nonsubstantive change to existing law by
58 reorganizing the language in existing law. **Section 6.5** of this bill provides for the restoration
59 of civil rights if the records of a person are sealed pursuant to **section 1.3**. However, under
60 **section 6.5**, the person is not required to be given documentation demonstrating that fact.
61 Instead, **section 6.5** authorizes a person who was not given documentation of the restoration
62 of his or her civil rights to request that a court issue an order in the same manner as a person
63 whose documentation is lost, damaged or destroyed.

64 **Section 7** of this bill authorizes a person who is the subject of records that are sealed
65 pursuant to **section 1.3** to petition a court to allow for the inspection of the records. **Section 8**
66 of this bill authorizes certain other governmental entities to inspect such records under certain
67 circumstances. **Section 7.5** of this bill authorizes the Central Repository for Nevada Records
68 of Criminal History and its employees to inspect certain sealed records relating to a violation
69 or alleged violation of the prohibition against certain persons owning or possessing a firearm.
70 (NRS 202.360)

71 **Sections 5-7 of this bill also apply provisions relating to records that have been**
72 **sealed pursuant to certain provisions of law to records that are sealed after a court finds**
73 **that a person was wrongfully convicted of a felony and enters a certificate of innocence.**

74 If a person is arrested and the charges against the person are dismissed or declined for
75 prosecution or the person is acquitted of the charges, existing law authorizes the person to
76 petition a court for the sealing of all records relating to the arrest and the proceedings leading
77 to the dismissal, declination or acquittal. (NRS 179.255) **Section 4** of this bill authorizes a
78 person against whom multiple charges were brought, consisting of both charges for which the
79 person was convicted and charges which were disposed of by dismissal, declination or
80 acquittal, to petition for the sealing of those portions of the records relating to the arrest of the
81 person and the subsequent proceedings that relate to the charges which were disposed of by
82 dismissal, declination or acquittal.

83 **Section 2** of this bill provides that it is the public policy of this State to enhance and
84 modernize the sharing of information between agencies of criminal justice by having records
85 shared in a timely manner in accordance with statutory requirements.

86 **Section 1.7** of this bill creates the Advisory Task Force on Automatic Record Sealing and
87 establishes requirements concerning the membership of the Task Force. **Section 1.7**
88 establishes the general duties of the Task Force, including reviewing the current petition-
89 based process for the sealing of records and identifying the ways in which the process can be
90 streamlined to simplify the process for petitioners. **Section 1.7** also requires the Task Force to
91 prepare and submit a report to the Administrative Office of the Courts and the Legislature: (1)
92 on or before July 1, 2024, that sets forth the initial activities and findings of the Task Force;
93 ~~and~~ (2) on or before July 1, 2025, **that sets forth the activities, findings and initial**
94 **recommendations of the Task Force; and (3) on or before July 1, 2026,** that sets forth the
95 final activities, findings and recommendations of the Task Force to support the
96 implementation of the automatic sealing of records of criminal history. **Section 8.3** of this bill
97 requires the Administrative Office of the Courts, before January 1, 2025, to adopt rules to
98 streamline the process for filing a petition for the sealing of records, as recommended by the
99 Task Force.

100 **Sections 2-3.3** of this bill make conforming changes to indicate the proper placement of
101 **sections 1.3 and 1.7** in the Nevada Revised Statutes.

102 **Section 8.1 of this bill makes an appropriation from the State General Fund to the**
103 **Department of Public Safety for the technology costs associated with complying with the**
104 **provisions of section 1.3. Section 8.15 of this bill makes an appropriation from the State**
105 **General Fund to the Department for the provision of support to the Task Force,**
106 **including for the administrative costs of supporting the Task Force and employing or**
107 **contracting with persons to perform certain functions. Section 8.2 of this bill makes an**
108 **appropriation from the State General Fund to the Interim Finance Committee for**
109 **allocation to the Department for the award of grants of money to criminal justice**
110 **agencies to support technology or system upgrades for the purpose of complying with**
111 **the provisions of section 1.3.**

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

1 **Section 1.** Chapter 179 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 1.3 and 1.7 of this act.

3 **Sec. 1.3. 1.** *Not later than January 1, ~~2026,~~ 2027, the Division shall*
4 *develop and implement a process to identify, based on data maintained in the*
5 *records of the Division, each:*

6 (i) *Conviction of a person that becomes an eligible conviction;*

7 (ii) *Charge against a person that becomes an eligible charge; and*

8 (iii) *Agency of criminal justice or public or private company, agency, officer*
9 *and other custodian of records that may reasonably be identified as having*
10 *possession of records relating to a conviction or charge that becomes an eligible*
11 *conviction or eligible charge.*

12 2. *After the development and implementation of the process described in*
13 *subsection 1, the Division shall, each month:*

14 (i) *Identify each:*

15 (1) *Conviction of a person or charge against a person that has become*
16 *an eligible conviction or eligible charge in the immediately preceding month; and*

17 (2) *Agency of criminal justice or public or private company, agency,*
18 *officer or other custodian of records that may reasonably be identified as having*
19 *possession of records relating to an eligible conviction or eligible charge*
20 *identified pursuant to subparagraph (1);*

21 (ii) *Compile a list of each eligible conviction, eligible charge and person or*
22 *governmental entity identified pursuant to paragraph (a); and*

23 (iii) *Transmit the list compiled pursuant to paragraph (b) to the*
24 *Administrative Office of the Courts to recommend the sealing of records relating*
25 *to an eligible conviction or eligible charge identified on the list.*

26 3. *Not later than January 1, ~~2026,~~ 2027, the Administrative Office of the*
27 *Courts shall develop and implement a process to review ~~and approve~~ the list*
28 *received from the Division pursuant to paragraph (c) of subsection 2 and*
29 *transmit to every court having jurisdiction each:*

30 (i) *Conviction of a person that has become an eligible conviction; and*

31 (ii) *Charge against a person that has become an eligible charge.*

32 4. *Upon receiving a list transmitted by the Division pursuant to paragraph*
33 *(c) of subsection 2, the Administrative Office of the Courts shall confirm each*
34 *eligible conviction and eligible charge and, not later than 30 business days after*
35 *receiving the list from the Division, notify every court having jurisdiction over the*
36 *sealing of records relating to each confirmed eligible conviction and eligible*
37 *charge to order the sealing of such records.*

38 5. *A court that receives notification from the Administrative Office of the*
39 *Courts pursuant to subsection 4 shall, not later than 15 calendar days after*
40 *receiving such notification, provide notice to the appropriate prosecuting attorney*
41 *or agency. The prosecuting attorney or agency may object to the sealing of such*
42 *records not later than 30 calendar days after receiving notice from the court.*

43 6. *If, not later than 30 calendar days after receiving notice from the court*
44 *pursuant to subsection 5, a prosecuting attorney or agency:*

45 (i) *Stipulates to the sealing of the records, the court shall apply the*
46 *presumption set forth in NRS 179.2445 and order the sealing of the records.*

47 (ii) *Does not stipulate to the sealing of the records, the court shall apply the*
48 *presumption set forth in NRS 179.2445 and order the sealing of the records*
49 *without a hearing. Each person or governmental entity identified on the list as*

1 *having possession of records relating to an eligible conviction or eligible charge*
2 *to which the order applies must be named in the order.*

3 (c) *Objects to the sealing of the records, the court may conduct a hearing on*
4 *the matter. At the hearing, unless an objecting party presents evidence sufficient*
5 *to rebut the presumption set forth in NRS 179.2445, the court shall apply the*
6 *presumption and order the sealing of the records.*

7 7. *The Division and the Administrative Office of the Courts shall take such*
8 *actions as are necessary to ensure public awareness of the provisions of this*
9 *section. Such actions may include, without limitation, the posting of appropriate*
10 *information on an Internet website maintained by the Division or the*
11 *Administrative Office of the Courts or the conducting of a public awareness*
12 *campaign.*

13 8. *The Division and the Administrative Office of the Courts may adopt any*
14 *rules or regulations, as applicable, that are necessary to carry out the provisions*
15 *of this section, including, without limitation, rules or regulations concerning:*

16 (a) *Contracting with any vendors to update any necessary technology; and*

17 (b) *Applying for any grants available to carry out the provisions of this*
18 *section.*

19 9. *The provisions of this section do not prohibit a person from petitioning*
20 *the court for the sealing of any eligible records in accordance with any other*
21 *applicable provision of law.*

22 10. *If a person believes that his or her records have been sealed, the person*
23 *may make a written request to the appropriate court to confirm that his or her*
24 *records have been sealed and review such records.*

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

31 12. *As used in this section:*

32 (a) *“Division” means the Records, Communications and Compliance*
33 *Division of the Department of Public Safety.*

34 (b) *“Eligible charge” means any charge against a person on or after*
35 *January 1, 2027, if the records relating to the charge are eligible to be sealed*
36 *pursuant to ~~subsection 1 of NRS 179.255,~~ paragraph (c) or (g) of subsection 1*
37 *of NRS 179.245 for a drug-related conviction, including, without limitation, a*
38 *conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection*
39 *4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or*
40 *454.351.*

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

50 **Sec. 1.7.** 1. *The Advisory Task Force on Automatic Record Sealing is*
51 *hereby created. The Task Force consists of:*

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

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

6 (2) *One member who is a representative of the Nevada Supreme Court ~~and~~*
 7 *or his or her designee;*

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

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

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

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

12 ~~(7) (6) One member who is a representative of a district attorney's~~
 13 ~~office;~~

14 ~~(8) (7) One member who is a representative of the Office of the~~
 15 ~~Attorney General;~~

16 ~~(9) (8) One member who is a representative of the Office of the Clark~~
 17 ~~County Public Defender or the Office of the Washoe County Public Defender or~~
 18 ~~who is an attorney in private practice and experienced in defending criminal~~
 19 ~~actions;~~

20 ~~(10) (9) One member who is a representative of ~~an~~ an urban law~~
 21 ~~enforcement agency;~~

22 (10) One member who is a representative of a rural law enforcement
 23 agency;

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

26 (12) *One member who is a representative of the Department of*
 27 *Corrections; ~~and~~*

28 ~~(13) Three~~ One member who is a representative of the Records,
 29 Communications and Compliance Division of the Department of Public Safety;
 30 and

31 (14) Two members who are representatives from nonprofit organizations
 32 focused on issues relating to criminal justice;

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

36 (c) ~~Two members who are members~~ One member of the Assembly ; ~~one of~~
 37 whom who is appointed by the Speaker of the Assembly . ~~and one of whom is~~
 38 appointed by the Minority Leader of the Assembly;

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

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

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

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

1 6. *The Task Force* : ~~shall~~

2 (a) Shall:

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

6 ~~(2)~~ (2) Conduct research on methods to implement the provisions of
7 section 1.3 of this act, including, without limitation, necessary technology and
8 system upgrades within the criminal justice system of this State;

9 ~~(3)~~ (3) Identify and assess any technology and system gaps, necessary
10 infrastructure and policy constraints to support the implementation of the
11 automatic sealing of records; ~~and~~

12 ~~(4)~~ (4) Develop a timeline for implementation that includes benchmarks to
13 implement the provisions of section 1.3 of this act; and

14 (5) Recommend approaches to improve the ability of this State to expand
15 future provisions concerning the automatic sealing of records, including, without
16 limitation, the feasibility of retroactively sealing eligible charges and convictions
17 ~~;~~ and

18 (b) May consider, in its discretion, any other matters submitted by a member
19 of the Task Force.

20 7. ~~The Task Force~~ Department of Public Safety may:

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

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

25 8. *The Task Force shall:*

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

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

35 (c) On or before July 1, 2026, prepare and submit a report to the
36 Administrative Office of the Courts and the Director of the Legislative Counsel
37 Bureau, for transmittal to the Legislature, that sets forth the final activities,
38 findings and recommendations of the Task Force to support the implementation
39 of the automatic sealing of records.

40 9. The meetings of the Task Force are closed to the public and are not
41 subject to the provisions of chapter 241 of NRS.

42 Sec. 2. NRS 179.2405 is hereby amended to read as follows:

43 179.2405 The Legislature hereby declares that the public policy of this State
44 is to ~~favor~~ :

45 1. *Favor* the giving of second chances to offenders who are rehabilitated and
46 the sealing of the records of such persons in accordance with NRS 179.2405 to
47 179.301, inclusive ~~;~~, and section 1.7 of this act; and

48 2. *Enhance and modernize the sharing of information between agencies of*
49 *criminal justice by having records shared in a timely manner in accordance with*
50 *statutory requirements.*

51 Sec. 2.3. NRS 179.2405 is hereby amended to read as follows:

52 179.2405 The Legislature hereby declares that the public policy of this State
53 is to:

1 1. Favor the giving of second chances to offenders who are rehabilitated and
2 the sealing of the records of such persons in accordance with NRS 179.2405 to
3 179.301, inclusive, and ~~section~~ *sections 1.3 and 1.7* of this act; and

4 2. Enhance and modernize the sharing of information between agencies of
5 criminal justice by having records shared in a timely manner in accordance with
6 statutory requirements.

7 **Sec. 2.7.** NRS 179.2405 is hereby amended to read as follows:

8 179.2405 The Legislature hereby declares that the public policy of this State
9 is to:

10 1. Favor the giving of second chances to offenders who are rehabilitated and
11 the sealing of the records of such persons in accordance with NRS 179.2405 to
12 179.301, inclusive, and ~~sections~~ *section 1.3 [and 1.7]* of this act; and

13 2. Enhance and modernize the sharing of information between agencies of
14 criminal justice by having records shared in a timely manner in accordance with
15 statutory requirements.

16 **Sec. 3.** NRS 179.241 is hereby amended to read as follows:

17 179.241 As used in NRS 179.2405 to 179.301, inclusive, *and section 1.7 of*
18 *this act*, unless the context otherwise requires, the words and terms defined in NRS
19 179.242, 179.243 and 179.244 have the meanings ascribed to them in those
20 sections.

21 **Sec. 3.1.** NRS 179.241 is hereby amended to read as follows:

22 179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~section~~
23 *sections 1.3 and 1.7* of this act, unless the context otherwise requires, the words and
24 terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to
25 them in those sections.

26 **Sec. 3.3.** NRS 179.241 is hereby amended to read as follows:

27 179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~sections~~
28 *section 1.3 [and 1.7]* of this act, unless the context otherwise requires, the words
29 and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings
30 ascribed to them in those sections.

31 **Sec. 3.5.** NRS 179.2445 is hereby amended to read as follows:

32 179.2445 1. Except as otherwise provided in subsection 2, upon the ~~filing~~
33 :

34 *(a) Filing* of a petition for the sealing of records pursuant to NRS 179.245,
35 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the
36 records should be sealed if the applicant satisfies all statutory requirements for the
37 sealing of the records.

38 *(b) Receipt by a court of the list of confirmed eligible convictions or eligible*
39 *charges from the Administrative Office of the Courts pursuant to section 1.3 of*
40 *this act, there is a rebuttable presumption that the records relating to the*
41 *confirmed eligible convictions or eligible charges should be sealed.*

42 2. The presumption set forth in *paragraph (a)* of subsection 1 does not apply
43 to a defendant who is given a dishonorable discharge from probation pursuant to
44 NRS 176A.850 and applies to the court for the sealing of records relating to the
45 conviction.

46 **Sec. 3.7.** NRS 179.245 is hereby amended to read as follows:

47 179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211,
48 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a
49 person may petition the court in which the person was convicted for the sealing of
50 all records relating to a conviction of:

51 (a) A category A felony, a crime of violence or residential burglary pursuant to
52 NRS 205.060 after 10 years from the date of release from actual custody or
53 discharge from parole or probation, whichever occurs later;

1 (b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or
2 D felony after 5 years from the date of release from actual custody or discharge
3 from parole or probation, whichever occurs later;

4 (c) A category E felony after 2 years from the date of release from actual
5 custody or discharge from parole or probation, whichever occurs later;

6 (d) Except as otherwise provided in paragraph (e), any gross misdemeanor
7 after 2 years from the date of release from actual custody or discharge from
8 probation, whichever occurs later;

9 (e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS
10 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic
11 violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of
12 release from actual custody or from the date when the person is no longer under a
13 suspended sentence, whichever occurs later;

14 (f) Except as otherwise provided in paragraph (e), if the offense is punished as
15 a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS
16 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or
17 extended order for protection, after 2 years from the date of release from actual
18 custody or from the date when the person is no longer under a suspended sentence,
19 whichever occurs later; or

20 (g) Any other misdemeanor after 1 year from the date of release from actual
21 custody or from the date when the person is no longer under a suspended sentence,
22 whichever occurs later.

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

24 (a) Be accompanied by the petitioner's current, verified records received from
25 the Central Repository for Nevada Records of Criminal History;

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

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

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

36 (1) Date of birth of the petitioner;

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

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

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

46 4. If the prosecuting agency that prosecuted the petitioner for the crime
47 stipulates to the sealing of the records, the court shall apply the presumption set
48 forth in *paragraph (a) of subsection 1 of* NRS 179.2445 and seal the records. If the
49 prosecuting agency does not stipulate to the sealing of the records or does not file a
50 written objection within 30 days after receiving notification pursuant to subsection
51 3 and the court makes the findings set forth in subsection 5, the court may order the
52 sealing of the records in accordance with subsection 5 without a hearing. If the
53 court does not order the sealing of the records or the prosecuting agency files a

1 written objection, a hearing on the petition must be conducted. At the hearing,
2 unless an objecting party presents evidence sufficient to rebut the presumption set
3 forth in *paragraph (a) of subsection 1 of* NRS 179.2445, the court shall apply the
4 presumption and seal the records.

5 5. If the court finds that, in the period prescribed in subsection 1, the
6 petitioner has not been charged with any offense for which the charges are pending
7 or convicted of any offense, except for minor moving or standing traffic violations,
8 the court may order sealed all records of the conviction which are in the custody of
9 any agency of criminal justice or any public or private agency, company, official or
10 other custodian of records in the State of Nevada, and may also order all such
11 records of the petitioner returned to the file of the court where the proceeding was
12 commenced from, including, without limitation, the Federal Bureau of Investigation
13 and all other agencies of criminal justice which maintain such records and which
14 are reasonably known by either the petitioner or the court to have possession of
15 such records.

16 6. A person may not petition the court to seal records relating to a conviction
17 of:

18 (a) A crime against a child;

19 (b) A sexual offense;

20 (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

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

23 (e) A violation of NRS 484C.430;

24 (f) A homicide resulting from driving or being in actual physical control of a
25 vehicle while under the influence of intoxicating liquor or a controlled substance or
26 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or
27 484C.430;

28 (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS
29 488.427; or

30 (h) A violation of NRS 488.420 or 488.425.

31 7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of
32 subsection 6 must not be construed to preclude a person from being able to petition
33 the court to seal records relating to a conviction for a violation of NRS 484C.110 or
34 484C.120 pursuant to this section if the person was found guilty of a violation of
35 NRS 484C.110 or 484C.120 that is punishable pursuant to:

36 (a) Paragraph (b) of subsection 1 of NRS 484C.400; or

37 (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of
38 conviction entered against him or her for a violation of paragraph (b) of subsection
39 1 of NRS 484C.400 because the person participated in the statewide sobriety and
40 drug monitoring program established pursuant to NRS 484C.392.

41 8. If the court grants a petition for the sealing of records pursuant to this
42 section, upon the request of the person whose records are sealed, the court may
43 order sealed all records of the civil proceeding in which the records were sealed.

44 9. As used in this section:

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

46 (b) "Sexual offense" means:

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

50 (2) Sexual assault pursuant to NRS 200.366.

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

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

1 (5) An offense involving the administration of a drug to another person
2 with the intent to enable or assist the commission of a felony pursuant to NRS
3 200.405, if the felony is an offense listed in this paragraph.

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

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

9 (8) An offense involving pornography and a minor pursuant to NRS
10 200.710 to 200.730, inclusive.

11 (9) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

22 (16) Luring a child or a person with mental illness pursuant to NRS
23 201.560, if punishable as a felony.

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

25 **Sec. 3.9.** NRS 179.247 is hereby amended to read as follows:

26 179.247 1. If a person has been convicted of any offense listed in subsection
27 2, the person may petition the court in which he or she was convicted or, if the
28 person wishes to file more than one petition and would otherwise need to file a
29 petition in more than one court, the district court, for an order:

30 (a) Vacating the judgment; and

31 (b) Sealing all documents, papers and exhibits in the person's record, minute
32 book entries and entries on dockets, and other documents relating to the case in the
33 custody of such other agencies and officers as are named in the court's order.

34 2. A person may file a petition pursuant to subsection 1 if the person was
35 convicted of:

36 (a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or
37 solicitation for prostitution, provided that the person was not alleged to be a
38 customer of a prostitute;

39 (b) A crime under the laws of this State, other than a crime of violence; or

40 (c) A violation of a county, city or town ordinance, for loitering for the purpose
41 of solicitation or prostitution.

42 3. A petition filed pursuant to subsection 1 must satisfy the requirements of
43 NRS 179.245.

44 4. The court may grant a petition filed pursuant to subsection 1 if:

45 (a) The petitioner was convicted of a violation of an offense described in
46 subsection 2;

47 (b) The participation of the petitioner in the offense was the result of the
48 petitioner having been a victim of:

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

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

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

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

6 (a) Notify the Central Repository for Nevada Records of Criminal History, the
7 Office of the Attorney General and each office of the district attorney and law
8 enforcement agency in the county in which the petitioner was convicted and allow
9 the prosecuting attorney who prosecuted the petitioner for the crime and any person
10 to testify and present evidence on behalf of any such entity; and

11 (b) Take into consideration any reasonable concerns for the safety of the
12 defendant, family members of the defendant or other victims that may be
13 jeopardized by the granting of the petition.

14 6. If the prosecuting agency that prosecuted the petitioner for the crime
15 stipulates to vacating the judgment of the petitioner and sealing all documents,
16 papers and exhibits related to the case, the court shall apply the presumption set
17 forth in *paragraph (a) of subsection 1 of* NRS 179.2445, vacate the judgment and
18 seal all documents, papers and exhibits related to the case. If the prosecuting
19 agency does not stipulate to vacating the judgment of the petitioner and sealing all
20 documents, papers and exhibits related to the case or does not file a written
21 objection within 30 days after receiving notification pursuant to subsection 5 and
22 the court makes the findings set forth in subsection 4, the court may vacate the
23 judgment and seal all documents, papers and exhibits in accordance with subsection
24 7 without a hearing. If the court does not order the sealing of the records or the
25 prosecuting agency files a written objection, a hearing on the petition must be
26 conducted. At the hearing, unless an objecting party presents evidence sufficient to
27 rebut the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445,
28 the court shall vacate the judgment, apply the presumption and seal all documents,
29 papers and exhibits related to the case.

30 7. If the court grants a petition filed pursuant to subsection 1, the court shall:

31 (a) Vacate the judgment and dismiss the accusatory pleading; and

32 (b) Order sealed all documents, papers and exhibits in the petitioner's record,
33 minute book entries and entries on dockets, and other documents relating to the
34 case in the custody of such other agencies and officers as are named in the court's
35 order.

36 8. If a petition filed pursuant to subsection 1 does not satisfy the requirements
37 of NRS 179.245 or the court determines that the petition is otherwise deficient with
38 respect to the sealing of the petitioner's record, the court may enter an order to
39 vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies
40 all requirements necessary for the judgment to be vacated.

41 9. If the court enters an order pursuant to subsection 8, the court shall also
42 order sealed the records of the petitioner which relate to the judgment being vacated
43 in accordance with paragraph (b) of subsection 7, regardless of whether any records
44 relating to other convictions are ineligible for sealing either by operation of law or
45 because of a deficiency in the petition.

46 **Sec. 4.** NRS 179.255 is hereby amended to read as follows:

47 179.255 1. If a person has been arrested for alleged criminal conduct and
48 the charges are dismissed, the prosecuting attorney having jurisdiction declined
49 prosecution of the charges or such person is acquitted of the charges, the person
50 may petition:

51 (a) The court in which the charges were dismissed, at any time after the date
52 the charges were dismissed;

1 (b) The court having jurisdiction in which the charges were declined for
2 prosecution:

- 3 (1) Any time after the applicable statute of limitations has run;
- 4 (2) Any time 8 years after the arrest; or
- 5 (3) Pursuant to a stipulation between the parties; or

6 (c) The court in which the acquittal was entered, at any time after the date of
7 the acquittal,

8 ➤ for the sealing of all records relating to the arrest and the proceedings leading to
9 the dismissal, declination or acquittal. *If a person has been arrested for alleged*
10 *criminal conduct and multiple charges were brought against the person,*
11 *consisting of both charges for which the person was convicted and charges which*
12 *were disposed of by dismissal, declination or acquittal, a petition filed pursuant to*
13 *this subsection may request the sealing of those portions of the records relating to*
14 *the arrest and the subsequent proceedings that relate to the charges which were*
15 *disposed of by dismissal, declination or acquittal.*

16 2. If the conviction of a person is set aside pursuant to NRS 458A.240, the
17 person may petition the court that set aside the conviction, at any time after the
18 conviction has been set aside, for the sealing of all records relating to the setting
19 aside of the conviction.

20 3. A petition filed pursuant to subsection 1 or 2 must:

21 (a) Be accompanied by the petitioner's current, verified records received from
22 the Central Repository for Nevada Records of Criminal History;

23 (b) Except as otherwise provided in paragraph (c), include the disposition of
24 the proceedings for the records to be sealed;

25 (c) If the petition references NRS 453.3365, include a certificate of
26 acknowledgment or the disposition of the proceedings for the records to be sealed
27 from all agencies of criminal justice which maintain such records;

28 (d) Include a list of any other public or private agency, company, official and
29 other custodian of records that is reasonably known to the petitioner to have
30 possession of records of the arrest and of the proceedings leading to the dismissal,
31 declination or acquittal and to whom the order to seal records, if issued, will be
32 directed; and

33 (e) Include information that, to the best knowledge and belief of the petitioner,
34 accurately and completely identifies the records to be sealed, including, without
35 limitation, the:

36 (1) Date of birth of the petitioner;

37 (2) Specific charges that were dismissed or of which the petitioner was
38 acquitted; and

39 (3) Date of arrest relating to the specific charges that were dismissed or of
40 which the petitioner was acquitted.

41 4. Upon receiving a petition pursuant to subsection 1, the court shall notify
42 the law enforcement agency that arrested the petitioner for the crime and:

43 (a) If the charges were dismissed, declined for prosecution or the acquittal was
44 entered in a district court or justice court, the prosecuting attorney for the county; or

45 (b) If the charges were dismissed, declined for prosecution or the acquittal was
46 entered in a municipal court, the prosecuting attorney for the city.

47 ➤ The prosecuting attorney and any person having relevant evidence may testify
48 and present evidence at any hearing on the petition.

49 5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

50 (a) If the conviction was set aside in a district court or justice court, the
51 prosecuting attorney for the county; or

52 (b) If the conviction was set aside in a municipal court, the prosecuting
53 attorney for the city.

1 ↳ The prosecuting attorney and any person having relevant evidence may testify
2 and present evidence at any hearing on the petition.

3 6. If the prosecuting agency that prosecuted or declined to prosecute the
4 petitioner for the crime stipulates to the sealing of the records, the court shall apply
5 the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445 and
6 seal the records. If the prosecuting agency does not stipulate to the sealing of the
7 records or does not file a written objection within 30 days after receiving
8 notification pursuant to subsection 4 or 5 and the court makes the findings set forth
9 in subsection 7 or 8, as applicable, the court may order the sealing of the records in
10 accordance with subsection 7 or 8, as applicable, without a hearing. If the court
11 does not order the sealing of the records or the prosecuting agency files a written
12 objection, a hearing on the petition must be conducted. At the hearing, unless an
13 objecting party presents evidence sufficient to rebut the presumption set forth in
14 *paragraph (a) of subsection 1 of* NRS 179.2445, the court shall apply the
15 presumption and seal the records.

16 7. If the court finds:

17 (a) That there has been an acquittal and there is no evidence that further action
18 will be brought against the person, the court shall order sealed all records of the
19 arrest and of the proceedings leading to the acquittal which are in the custody of
20 any agency of criminal justice or any public or private company, agency, official or
21 other custodian of records in the State of Nevada; or

22 (b) That prosecution was declined or that the charges were dismissed and there
23 is no evidence that further action will be brought against the person, the court may
24 order sealed all records of the arrest and of the proceedings leading to the
25 declination or dismissal which are in the custody of any agency of criminal justice
26 or any public or private company, agency, official or other custodian of records in
27 the State of Nevada.

28 8. If the court finds that the conviction of the petitioner was set aside pursuant
29 to NRS 458A.240, the court may order sealed all records relating to the setting
30 aside of the conviction which are in the custody of any agency of criminal justice or
31 any public or private company, agency, official or other custodian of records in the
32 State of Nevada.

33 9. If the prosecuting attorney having jurisdiction previously declined
34 prosecution of the charges and the records of the arrest have been sealed pursuant to
35 subsection 7, the prosecuting attorney may subsequently file the charges at any time
36 before the running of the statute of limitations for those charges. If such charges are
37 filed with the court, the court shall order the inspection of the records without the
38 prosecuting attorney having to petition the court pursuant to NRS 179.295.

39 **Sec. 5.** NRS 179.275 is hereby amended to read as follows:

40 179.275 Where the court orders the sealing of a record pursuant to NRS
41 34.970, 41.910, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245,
42 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 **or section**
43 **1.3 of this act**, a copy of the order must be sent to:

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

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

49 **Sec. 6.** NRS 179.285 is hereby amended to read as follows:

50 179.285 Except as otherwise provided in NRS 179.301:

51 1. If the court orders a record sealed pursuant to NRS 34.970, 41.910,
52 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255,
53 179.259, 179.2595, 179.271, 201.354 or 453.3365:

1 (a) All proceedings recounted in the record are deemed never to have occurred,
2 and the person to whom the order pertains may properly answer accordingly to any
3 inquiry, including, without limitation, an inquiry relating to an application for
4 employment, concerning the arrest, conviction, dismissal or acquittal and the events
5 and proceedings relating to the arrest, conviction, dismissal or acquittal.

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

- 8 (1) The right to vote;
- 9 (2) The right to hold office; and
- 10 (3) The right to serve on a jury.

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

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

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

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

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

30 **Sec. 6.5.** NRS 179.285 is hereby amended to read as follows:

31 179.285 Except as otherwise provided in NRS 179.301:

32 1. If the court orders a record sealed pursuant to NRS 34.970, 41.910,
33 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255,
34 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[(A)]~~ *or section 1.3 of this act:*

35 (a) All proceedings recounted in the record are deemed never to have occurred,
36 and the person to whom the order pertains may properly answer accordingly to any
37 inquiry, including, without limitation, an inquiry relating to an application for
38 employment, concerning the arrest, conviction, dismissal or acquittal and the events
39 and proceedings relating to the arrest, conviction, dismissal or acquittal.

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

- 42 (1) The right to vote;
- 43 (2) The right to hold office; and
- 44 (3) The right to serve on a jury.

45 2. Upon the sealing of the person's records, *except if the person's records*
46 *were sealed pursuant to section 1.3 of this act*, a person who is restored to his or
47 her civil rights pursuant to subsection 1 must be given:

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

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

1 3. If a person has had his or her records sealed in this State or any other state
2 and was not given official documentation of the restoration of civil rights or if that
3 documentation is lost, damaged or destroyed, the person may file a written request
4 with a court of competent jurisdiction to restore his or her civil rights pursuant to
5 this section. Upon verification that the person has had his or her records sealed, the
6 court shall issue an order restoring the person to the civil rights to vote, to hold
7 office and to serve on a jury. A person must not be required to pay a fee to receive
8 such an order.

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

13 **Sec. 7.** NRS 179.295 is hereby amended to read as follows:

14 179.295 1. The person who is the subject of the records that are sealed
15 pursuant to NRS 34.970, 41.910, 174.034, 176.211, 176A.245, 176A.265,
16 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or
17 453.3365 *or section 1.3 of this act* may petition the court that ordered the records
18 sealed to permit inspection of the records by a person named in the petition, and the
19 court may order such inspection. Except as otherwise provided in this section,
20 subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not
21 order the inspection of the records under any other circumstances.

22 2. If a person has been arrested, the charges have been dismissed and the
23 records of the arrest have been sealed, the court may order the inspection of the
24 records by a prosecuting attorney upon a showing that as a result of newly
25 discovered evidence, the person has been arrested for the same or a similar offense
26 and that there is sufficient evidence reasonably to conclude that the person will
27 stand trial for the offense.

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

32 4. This section does not prohibit a court from considering a proceeding for
33 which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245,
34 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271,
35 201.354 or 453.3365 *or section 1.3 of this act* in determining whether to grant a
36 petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245,
37 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

38 **Sec. 7.5.** NRS 179.301 is hereby amended to read as follows:

39 179.301 1. The Nevada Gaming Control Board and the Nevada Gaming
40 Commission and their employees, agents and representatives may inquire into and
41 inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or
42 conviction was related to gaming, to determine the suitability or qualifications of
43 any person to hold a state gaming license, manufacturer's, seller's or distributor's
44 license or registration as a gaming employee pursuant to chapter 463 of NRS.
45 Events and convictions, if any, which are the subject of an order sealing records:

46 (a) May form the basis for recommendation, denial or revocation of those
47 licenses.

48 (b) Must not form the basis for denial or rejection of a gaming work permit
49 unless the event or conviction relates to the applicant's suitability or qualifications
50 to hold the work permit.

51 2. The Division of Insurance of the Department of Business and Industry and
52 its employees may inquire into and inspect any records sealed pursuant to NRS
53 179.245 or 179.255, if the event or conviction was related to insurance, to

1 determine the suitability or qualifications of any person to hold a license,
2 certification or authorization issued in accordance with title 57 of NRS. Events and
3 convictions, if any, which are the subject of an order sealing records may form the
4 basis for recommendation, denial or revocation of those licenses, certifications and
5 authorizations.

6 3. A prosecuting attorney may inquire into and inspect any records sealed
7 pursuant to NRS 179.245 or 179.255 if:

8 (a) The records relate to a violation or alleged violation of NRS 202.485; and

9 (b) The person who is the subject of the records has been arrested or issued a
10 citation for violating NRS 202.485.

11 4. The Central Repository for Nevada Records of Criminal History and its
12 employees may inquire into and inspect any records sealed pursuant to NRS
13 179.245 or 179.255 that constitute information relating to ~~sexual~~:

14 (a) *Sexual* offenses, and may notify employers of the information in
15 accordance with federal laws and regulations.

16 (b) *A violation or alleged violation of NRS 202.360.*

17 5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and
18 which are retained in the statewide registry established pursuant to NRS 179B.200
19 may be inspected pursuant to chapter 179B of NRS by an officer or employee of
20 the Central Repository for Nevada Records of Criminal History or a law
21 enforcement officer in the regular course of his or her duties.

22 6. The State Board of Pardons Commissioners and its agents and
23 representatives may inquire into and inspect any records sealed pursuant to NRS
24 179.245 or 179.255 if the person who is the subject of the records has applied for a
25 pardon from the Board.

26 7. As used in this section:

27 (a) "Information relating to sexual offenses" means information contained in or
28 concerning a record relating in any way to a sexual offense.

29 (b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

30 **Sec. 8.** NRS 179.301 is hereby amended to read as follows:

31 179.301 1. The Nevada Gaming Control Board and the Nevada Gaming
32 Commission and their employees, agents and representatives may inquire into and
33 inspect any records sealed pursuant to NRS 179.245 or 179.255, *or section 1.3 of*
34 *this act*, if the event or conviction was related to gaming, to determine the
35 suitability or qualifications of any person to hold a state gaming license,
36 manufacturer's, seller's or distributor's license or registration as a gaming
37 employee pursuant to chapter 463 of NRS. Events and convictions, if any, which
38 are the subject of an order sealing records:

39 (a) May form the basis for recommendation, denial or revocation of those
40 licenses.

41 (b) Must not form the basis for denial or rejection of a gaming work permit
42 unless the event or conviction relates to the applicant's suitability or qualifications
43 to hold the work permit.

44 2. The Division of Insurance of the Department of Business and Industry and
45 its employees may inquire into and inspect any records sealed pursuant to NRS
46 179.245 or 179.255, *or section 1.3 of this act*, if the event or conviction was related
47 to insurance, to determine the suitability or qualifications of any person to hold a
48 license, certification or authorization issued in accordance with title 57 of NRS.
49 Events and convictions, if any, which are the subject of an order sealing records
50 may form the basis for recommendation, denial or revocation of those licenses,
51 certifications and authorizations.

52 3. A prosecuting attorney may inquire into and inspect any records sealed
53 pursuant to NRS 179.245 or 179.255 *or section 1.3 of this act* if:

1 (a) The records relate to a violation or alleged violation of NRS 202.485; and
2 (b) The person who is the subject of the records has been arrested or issued a
3 citation for violating NRS 202.485.

4 4. The Central Repository for Nevada Records of Criminal History and its
5 employees may inquire into and inspect any records sealed pursuant to NRS
6 179.245 or 179.255 **or section 1.3 of this act** that constitute information relating to:

7 (a) Sexual offenses, and may notify employers of the information in
8 accordance with federal laws and regulations.

9 (b) A violation or alleged violation of NRS 202.360.

10 5. Records which have been sealed pursuant to NRS 179.245 or 179.255 **or**
11 **section 1.3 of this act** and which are retained in the statewide registry established
12 pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by
13 an officer or employee of the Central Repository for Nevada Records of Criminal
14 History or a law enforcement officer in the regular course of his or her duties.

15 6. The State Board of Pardons Commissioners and its agents and
16 representatives may inquire into and inspect any records sealed pursuant to NRS
17 179.245 or 179.255 **or section 1.3 of this act** if the person who is the subject of the
18 records has applied for a pardon from the Board.

19 7. As used in this section:

20 (a) "Information relating to sexual offenses" means information contained in or
21 concerning a record relating in any way to a sexual offense.

22 (b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

23 **Sec. 8.1. There is hereby appropriated from the State General Fund to**
24 **the Department of Public Safety the sum of \$1,000,000 for the technology costs**
25 **associated with complying with the provisions of section 1.3 of this act.**

26 **Sec. 8.15. There is hereby appropriated from the State General Fund to**
27 **the Department of Public Safety the sum of \$500,000 for the provision of**
28 **support to the Advisory Task Force on Automatic Record Sealing pursuant to**
29 **section 1.7 of this act, including, without limitation, for the administrative**
30 **costs of supporting the Task Force and employing or contracting with persons**
31 **to perform the functions described in paragraph (a) of subsection 6 of section**
32 **1.7 of this act.**

33 **Sec. 8.2. There is hereby appropriated from the State General Fund to**
34 **the Interim Finance Committee the sum of \$1,000,000 for allocation to the**
35 **Department of Public Safety for the award of grants of money to criminal**
36 **justice agencies to support technology or system upgrades for the purpose of**
37 **complying with the provisions of section 1.3 of this act.**

38 **Sec. 8.25. Any remaining balance of the appropriations made by sections**
39 **8.1, 8.15 and 8.2 of this act must not be committed for expenditure after June**
40 **30, 2025, by the entity to which the appropriation is made or any entity to**
41 **which money from the appropriation is granted or otherwise transferred in**
42 **any manner, and any portion of the appropriated money remaining must not**
43 **be spent for any purpose after September 19, 2025, by either the entity to**
44 **which the money was appropriated or the entity to which the money was**
45 **subsequently granted or transferred, and must be reverted to the State**
46 **General Fund on or before September 19, 2025.**

47 **Sec. 8.3.** 1. Before January 1, 2025, the Administrative Office of the Courts
48 shall adopt rules to streamline the process for filing a petition for the sealing of
49 records of criminal history, as recommended by the Advisory Task Force on
50 Automatic Record Sealing pursuant to section 1.7 of this act, including, without
51 limitation, rules regarding:

52 (a) A standard order for the sealing of records of criminal history to be used by
53 all courts having jurisdiction over the sealing of records of criminal history;

1 (b) The authority for a petitioner to file a request for the sealing of records of
2 criminal history with one court; and

3 (c) Any other changes that will expedite or simplify the process for petitioners
4 to seal records of criminal history.

5 2. As used in this section, “record of criminal history” has the meaning
6 ascribed to it in NRS 179A.070.

7 **Sec. 8.7.** The provisions of subsection 1 of NRS 218D.380 do not apply to
8 any provision of this act which adds or revises a requirement to submit a report to
9 the Legislature.

10 **Sec. 9.** 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 become
11 effective upon passage and approval.

12 2. Sections 8.1 to 8.25, inclusive, of this act become effective on July 1,
13 2023.

14 3. Section 1.3 of this act becomes effective:

15 (a) Upon passage and approval for the purpose of:

16 (1) The Division developing and implementing the process required
17 pursuant to subsection 1 of that section;

18 (2) The Administrative Office of the Courts developing and implementing
19 the process required pursuant to subsection 3 of that section; and

20 (3) The Division and the Administrative Office of the Courts adopting any
21 rules or regulations, as applicable, and performing any other preparatory
22 administrative tasks that are necessary to carry out the provisions of this act; and

23 (b) On January 1, 2026, for all other purposes.

24 ~~3.4~~ 4. Section 1.7 of this act becomes effective upon passage and approval
25 and expires by limitation on June 30, ~~2026,~~ 2027.

26 ~~4.4~~ 5. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on
27 January 1, 2026.

28 ~~5.4~~ 6. Sections 2.3 and 3.1 of this act become effective on January 1, 2026,
29 and expire by limitation on June 30, 2026.

30 ~~6.4~~ 7. Sections 2.7 and 3.3 of this act become effective on July 1, 2026.

31 ~~7.4~~ 8. As used in this section, “Division” means the Records,
32 Communications and Compliance Division of the Department of Public Safety.