

Amendment No. 957

Senate Amendment to Assembly Bill No. 160 Second Reprint (BDR 14-634)
<b>Proposed by:</b> Senate Committee on Finance
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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.

MNM/BAW



Date: 6/4/2023

A.B. No. 160—Revises provisions governing the sealing of certain criminal records. (BDR 14-634)





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, 2027, to develop and implement  
12 a process to identify each: (1) conviction of a person and each charge against a person that  
13 becomes an eligible conviction and eligible charge; and (2) agency of criminal justice or  
14 public or private company, agency, officer or other custodian of records that may reasonably  
15 be identified as having possession of records relating to an eligible conviction or eligible  
16 charge. **Section 1.3** defines “eligible conviction” and “eligible charge” to mean, in general,  
17 certain convictions of or charges against a person after January 1, 2027, if the records relating  
18 to the conviction or charge are eligible to be sealed pursuant to the provisions of existing law  
19 governing the sealing of records. After the development and implementation of the process of  
20 identifying eligible convictions and eligible charges, **section 1.3** requires the Division to, each  
21 month: (1) identify and compile a list of each conviction or charge that has become an eligible  
22 conviction or eligible charge in the immediately preceding month and each person or  
23 governmental entity identified as having possession of records relating to those eligible  
24 convictions and eligible charges; and (2) transmit the list to the Administrative Office of the  
25 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 2027, to develop and implement a process to review such a list received from the Division and  
29 to transmit to every court having jurisdiction each conviction of a person or charge against a  
30 person that has become an eligible conviction or eligible charge. **Section 1.3** also requires the  
31 Administrative Office of the Courts, upon receiving such a list from the Division, to confirm  
32 each eligible conviction and eligible charge and notify every court having jurisdiction over the  
33 sealing of each eligible conviction or eligible charge. **Section 1.3** requires a court that receives  
34 such a notification from the Administrative Office of the Courts to then provide notice to the  
35 appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or agency  
36 to object to the sealing of the records relating to each listed eligible conviction or eligible  
37 charge. **Section 1.3** further establishes the circumstances in which the court may order the  
38 records to be sealed. **Section 5** of this bill requires the order to be sent to the persons and  
39 governmental entities named in the order, who are then required to seal records relating to the  
40 eligible conviction or eligible charge. **Section 1.3** also: (1) authorizes the Division and the  
41 Administrative Office of the Courts to adopt any rules or regulations, as applicable, that are  
42 necessary to carry out the provisions of **section 1.3**; and (2) requires the Administrative Office  
43 of the Courts to submit certain annual reports to the Legislature beginning on January 31,  
44 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 sealed  
72 pursuant to certain provisions of law to records that are sealed after a court finds that a person  
73 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  
91 to 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 (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 final  
95 activities, findings and recommendations of the Task Force to support the implementation of  
96 the automatic sealing of records of criminal history. **Section 8.3** of this bill requires the  
97 Administrative Office of the Courts, before January 1, 2025, to adopt rules to streamline the  
98 process for filing a petition for the sealing of records, as recommended by the Task Force.

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

101 **Section 8.1** of this bill makes an appropriation from the State General Fund to the  
102 Department of Public Safety for the technology costs associated with complying with the  
103 provisions of **section 1.3**. **Section 8.15** of this bill makes an appropriation from the State  
104 General Fund to the Department for the provision of support to the Task Force, including for  
105 the administrative costs of supporting the Task Force. ~~and employing or contracting with~~  
106 ~~persons to perform certain functions.]~~ **Section 8.2** of this bill makes an appropriation from the  
107 State General Fund to the Interim Finance Committee for allocation to the Department for  
108 employing or contracting with persons to perform certain functions and, to the extent  
109 that money from the appropriation is available, for the Department to award grants of  
110 money to criminal justice agencies to support technology or system upgrades for the purpose  
111 of complying with 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, 2027, the Division shall develop and*  
4 *implement a process to identify, based on data maintained in the records of the*  
5 *Division, each:*

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

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

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

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

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

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

31       (b) *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       (a) *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       (b) *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, 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 ~~paragraph (e) or (g) of~~ subsection 1 of NRS ~~[179.245]~~ 179.255 for a*  
37 *drug-related ~~[conviction]~~ charge that is punishable as a category E felony or a*  
38 *misdemeanor, including, without limitation, a ~~[conviction]~~ charge pursuant to*  
39 *paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336,*  
40 *subsection 2 of NRS 453.3393 or NRS 453.560 or 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:*

52 (a) *Fifteen members appointed by the Legislative Commission from*  
53 *recommendations submitted by the applicable participating entities consisting of:*

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

3           (2) *One member who is a representative of the Nevada Supreme Court or*  
4 *his or her designee;*

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

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

7           (5) *One member who is a representative of a municipal court;*

8           (6) *One member who is a representative of a district attorney's office;*

9           (7) *One member who is a representative of the Office of the Attorney*

10 *General;*

11           (8) *One member who is a representative of the Office of the Clark*  
12 *County Public Defender or the Office of the Washoe County Public Defender or*  
13 *who is an attorney in private practice and experienced in defending criminal*  
14 *actions;*

15           (9) *One member who is a representative of an urban law enforcement*  
16 *agency;*

17           (10) *One member who is a representative of a rural law enforcement*  
18 *agency;*

19           (11) *One member who is a representative of the Division of Parole and*  
20 *Probation of the Department of Public Safety;*

21           (12) *One member who is a representative of the Department of*  
22 *Corrections;*

23           (13) *One member who is a representative of the Records,*  
24 *Communications and Compliance Division of the Department of Public Safety;*  
25 *and*

26           (14) *Two members who are representatives from nonprofit organizations*  
27 *focused on issues relating to criminal justice;*

28           (b) *One member of the Senate who is appointed by the Majority Leader of*  
29 *the Senate; and*

30           (c) *One member of the Assembly who is appointed by the Speaker of the*  
31 *Assembly.*

32           2. *When appointing members to the Task Force pursuant to paragraph (a)*  
33 *of subsection 1, the Legislative Commission shall ensure that all regions of this*  
34 *State are represented.*

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

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

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

45           6. *The Task Force:*

46           (a) *Shall:*

47           (1) *Review the current petition-based process for the sealing of records*  
48 *and identify the ways in which the process can be streamlined to simplify the*  
49 *process for petitioners;*

50           (2) *Conduct research on methods to implement the provisions of section*  
51 *1.3 of this act, including, without limitation, necessary technology and system*  
52 *upgrades within the criminal justice system of this State;*



1           (3) *Identify and assess any technology and system gaps, necessary*  
2 *infrastructure and policy constraints to support the implementation of the*  
3 *automatic sealing of records;*

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

6           (5) *Recommend approaches to improve the ability of this State to expand*  
7 *future provisions concerning the automatic sealing of records, including, without*  
8 *limitation, the feasibility of retroactively sealing eligible charges and convictions;*  
9 *and*

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

12          7. *The Department of Public Safety may:*

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

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

17          8. *The Task Force shall:*

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

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

27           (c) *On or before July 1, 2026, prepare and submit a report to the*  
28 *Administrative Office of the Courts and the Director of the Legislative Counsel*  
29 *Bureau, for transmittal to the Legislature, that sets forth the final activities,*  
30 *findings and recommendations of the Task Force to support the implementation*  
31 *of the automatic sealing of records.*

32          9. *The meetings of the Task Force are closed to the public and are not*  
33 *subject to the provisions of chapter 241 of NRS.*

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

35          179.2405 The Legislature hereby declares that the public policy of this State  
36 is to ~~favor~~:

37          1. *Favor* the giving of second chances to offenders who are rehabilitated and  
38 the sealing of the records of such persons in accordance with NRS 179.2405 to  
39 179.301, inclusive ~~+~~, *and section 1.7 of this act; and*

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

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

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

46          1. Favor the giving of second chances to offenders who are rehabilitated and  
47 the sealing of the records of such persons in accordance with NRS 179.2405 to  
48 179.301, inclusive, and ~~section~~ *sections 1.3 and 1.7 of this act; and*

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

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

2       179.2405 The Legislature hereby declares that the public policy of this State  
3 is to:

4       1. Favor the giving of second chances to offenders who are rehabilitated and  
5 the sealing of the records of such persons in accordance with NRS 179.2405 to  
6 179.301, inclusive, and ~~sections~~ *section 1.3 [and 1.7]* of this act; and

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

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

11       179.241 As used in NRS 179.2405 to 179.301, inclusive, *and section 1.7 of*  
12 *this act*, unless the context otherwise requires, the words and terms defined in NRS  
13 179.242, 179.243 and 179.244 have the meanings ascribed to them in those  
14 sections.

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

16       179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~section~~  
17 *sections 1.3 and 1.7* of this act, unless the context otherwise requires, the words and  
18 terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to  
19 them in those sections.

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

21       179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~sections~~  
22 *section 1.3 [and 1.7]* of this act, unless the context otherwise requires, the words  
23 and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings  
24 ascribed to them in those sections.

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

26       179.2445 1. Except as otherwise provided in subsection 2, upon the ~~filing~~  
27 :

28       (a) *Filing* of a petition for the sealing of records pursuant to NRS 179.245,  
29 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the  
30 records should be sealed if the applicant satisfies all statutory requirements for the  
31 sealing of the records.

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

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

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

41       179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211,  
42 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a  
43 person may petition the court in which the person was convicted for the sealing of  
44 all records relating to a conviction of:

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

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

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

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

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

9 (f) Except as otherwise provided in paragraph (e), if the offense is punished as  
10 a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS  
11 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or  
12 extended order for protection, after 2 years from the date of release from actual  
13 custody or from the date when the person is no longer under a suspended sentence,  
14 whichever occurs later; or

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

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

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

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

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

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

31 (1) Date of birth of the petitioner;

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

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

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

41 4. If the prosecuting agency that prosecuted the petitioner for the crime  
42 stipulates to the sealing of the records, the court shall apply the presumption set  
43 forth in *paragraph (a) of subsection 1 of* NRS 179.2445 and seal the records. If the  
44 prosecuting agency does not stipulate to the sealing of the records or does not file a  
45 written objection within 30 days after receiving notification pursuant to subsection  
46 3 and the court makes the findings set forth in subsection 5, the court may order the  
47 sealing of the records in accordance with subsection 5 without a hearing. If the  
48 court does not order the sealing of the records or the prosecuting agency files a  
49 written objection, a hearing on the petition must be conducted. At the hearing,  
50 unless an objecting party presents evidence sufficient to rebut the presumption set  
51 forth in *paragraph (a) of subsection 1 of* NRS 179.2445, the court shall apply the  
52 presumption and seal the records.

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

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

- 14           (a) A crime against a child;
- 15           (b) A sexual offense;
- 16           (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- 17           (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony  
18 pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- 19           (e) A violation of NRS 484C.430;
- 20           (f) A homicide resulting from driving or being in actual physical control of a  
21 vehicle while under the influence of intoxicating liquor or a controlled substance or  
22 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or  
23 484C.430;
- 24           (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS  
25 488.427; or
- 26           (h) A violation of NRS 488.420 or 488.425.

27           7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of  
28 subsection 6 must not be construed to preclude a person from being able to petition  
29 the court to seal records relating to a conviction for a violation of NRS 484C.110 or  
30 484C.120 pursuant to this section if the person was found guilty of a violation of  
31 NRS 484C.110 or 484C.120 that is punishable pursuant to:

- 32           (a) Paragraph (b) of subsection 1 of NRS 484C.400; or
- 33           (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of  
34 conviction entered against him or her for a violation of paragraph (b) of subsection  
35 1 of NRS 484C.400 because the person participated in the statewide sobriety and  
36 drug monitoring program established pursuant to NRS 484C.392.

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

40           9. As used in this section:

- 41           (a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.
- 42           (b) “Sexual offense” means:
  - 43               (1) Murder of the first degree committed in the perpetration or attempted  
44 perpetration of sexual assault or of sexual abuse or sexual molestation of a child  
45 less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.
  - 46               (2) Sexual assault pursuant to NRS 200.366.
  - 47               (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a  
48 felony.
  - 49               (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.
  - 50               (5) An offense involving the administration of a drug to another person  
51 with the intent to enable or assist the commission of a felony pursuant to NRS  
52 200.405, if the felony is an offense listed in this paragraph.

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

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

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

8 (9) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

19 (16) Luring a child or a person with mental illness pursuant to NRS  
20 201.560, if punishable as a felony.

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

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

23 179.247 1. If a person has been convicted of any offense listed in subsection  
24 2, the person may petition the court in which he or she was convicted or, if the  
25 person wishes to file more than one petition and would otherwise need to file a  
26 petition in more than one court, the district court, for an order:

27 (a) Vacating the judgment; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 179.255 1. If a person has been arrested for alleged criminal conduct and  
43 the charges are dismissed, the prosecuting attorney having jurisdiction declined  
44 prosecution of the charges or such person is acquitted of the charges, the person  
45 may petition:

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

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

50 (1) Any time after the applicable statute of limitations has run;

51 (2) Any time 8 years after the arrest; or

52 (3) Pursuant to a stipulation between the parties; or

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

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

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

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

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

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

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

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

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

31 (1) Date of birth of the petitioner;

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

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

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

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

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

42 ↪ The prosecuting attorney and any person having relevant evidence may testify  
43 and present evidence at any hearing on the petition.

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

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

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

49 ↪ The prosecuting attorney and any person having relevant evidence may testify  
50 and present evidence at any hearing on the petition.

51 6. If the prosecuting agency that prosecuted or declined to prosecute the  
52 petitioner for the crime stipulates to the sealing of the records, the court shall apply  
53 the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445 and

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

11 7. If the court finds:

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

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

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

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

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

35 179.275 Where the court orders the sealing of a record pursuant to NRS  
36 34.970, *41.910*, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245,  
37 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~§~~ *or section*  
38 *1.3 of this act*, a copy of the order must be sent to:

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

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

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

45 179.285 Except as otherwise provided in NRS 179.301:

46 1. If the court orders a record sealed pursuant to NRS 34.970, *41.910*,  
47 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255,  
48 179.259, 179.2595, 179.271, 201.354 or 453.3365:

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



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

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

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

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

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

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

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

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

26 179.285 Except as otherwise provided in NRS 179.301:

27 1. If the court orders a record sealed pursuant to NRS 34.970, 41.910,  
28 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255,  
29 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[-]~~ *or section 1.3 of this act:*

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

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

- 37 (1) The right to vote;
- 38 (2) The right to hold office; and
- 39 (3) The right to serve on a jury.

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

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

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

48 3. If a person has had his or her records sealed in this State or any other state  
49 and was not given official documentation of the restoration of civil rights or if that  
50 documentation is lost, damaged or destroyed, the person may file a written request  
51 with a court of competent jurisdiction to restore his or her civil rights pursuant to  
52 this section. Upon verification that the person has had his or her records sealed, the  
53 court shall issue an order restoring the person to the civil rights to vote, to hold

1 office and to serve on a jury. A person must not be required to pay a fee to receive  
2 such an order.

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

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

8 179.295 1. The person who is the subject of the records that are sealed  
9 pursuant to NRS 34.970, **41.910**, 174.034, 176.211, 176A.245, 176A.265,  
10 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or  
11 453.3365 **or section 1.3 of this act** may petition the court that ordered the records  
12 sealed to permit inspection of the records by a person named in the petition, and the  
13 court may order such inspection. Except as otherwise provided in this section,  
14 subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not  
15 order the inspection of the records under any other circumstances.

16 2. If a person has been arrested, the charges have been dismissed and the  
17 records of the arrest have been sealed, the court may order the inspection of the  
18 records by a prosecuting attorney upon a showing that as a result of newly  
19 discovered evidence, the person has been arrested for the same or a similar offense  
20 and that there is sufficient evidence reasonably to conclude that the person will  
21 stand trial for the offense.

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

26 4. This section does not prohibit a court from considering a proceeding for  
27 which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245,  
28 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271,  
29 201.354 or 453.3365 **or section 1.3 of this act** in determining whether to grant a  
30 petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245,  
31 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

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

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

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

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

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

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

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

6 4. The Central Repository for Nevada Records of Criminal History and its  
7 employees may inquire into and inspect any records sealed pursuant to NRS  
8 179.245 or 179.255 that constitute information relating to ~~sexual~~:

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

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

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

17 6. The State Board of Pardons Commissioners and its agents and  
18 representatives may inquire into and inspect any records sealed pursuant to NRS  
19 179.245 or 179.255 if the person who is the subject of the records has applied for a  
20 pardon from the Board.

21 7. As used in this section:

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

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

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

26 179.301 1. The Nevada Gaming Control Board and the Nevada Gaming  
27 Commission and their employees, agents and representatives may inquire into and  
28 inspect any records sealed pursuant to NRS 179.245 or 179.255, *or section 1.3 of*  
29 *this act*, if the event or conviction was related to gaming, to determine the  
30 suitability or qualifications of any person to hold a state gaming license,  
31 manufacturer's, seller's or distributor's license or registration as a gaming  
32 employee pursuant to chapter 463 of NRS. Events and convictions, if any, which  
33 are the subject of an order sealing records:

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

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

39 2. The Division of Insurance of the Department of Business and Industry and  
40 its employees may inquire into and inspect any records sealed pursuant to NRS  
41 179.245 or 179.255, *or section 1.3 of this act*, if the event or conviction was related  
42 to insurance, to determine the suitability or qualifications of any person to hold a  
43 license, certification or authorization issued in accordance with title 57 of NRS.  
44 Events and convictions, if any, which are the subject of an order sealing records  
45 may form the basis for recommendation, denial or revocation of those licenses,  
46 certifications and authorizations.

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

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

1 4. The Central Repository for Nevada Records of Criminal History and its  
2 employees may inquire into and inspect any records sealed pursuant to NRS  
3 179.245 or 179.255 **or section 1.3 of this act** that constitute information relating to:

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

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

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

12 6. The State Board of Pardons Commissioners and its agents and  
13 representatives may inquire into and inspect any records sealed pursuant to NRS  
14 179.245 or 179.255 **or section 1.3 of this act** if the person who is the subject of the  
15 records has applied for a pardon from the Board.

16 7. As used in this section:

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

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

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

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

29 **Sec. 8.2.** There is hereby appropriated from the State General Fund to the  
30 Interim Finance Committee the sum of \$1,000,000 for allocation to the Department  
31 of Public Safety for ~~the~~ **employing or contracting with persons to perform the**  
32 **functions described in paragraph (a) of subsection 6 of section 1.7 of this act.**  
33 **To the extent that money appropriated pursuant to this section is available, the**  
34 **Department may** award ~~to~~ grants of money to criminal justice agencies to  
35 support technology or system upgrades for the purpose of complying with the  
36 provisions of section 1.3 of this act.

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

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

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

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

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

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

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

8 **Sec. 9.** 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 of this act  
9 become effective upon passage and approval.

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

11 3. Section 1.3 of this act becomes effective:

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

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

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

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

20 (b) On January 1, ~~2026~~ 2027, for all other purposes.

21 4. Section 1.7 of this act becomes effective upon passage and approval and  
22 expires by limitation on June 30, 2027.

23 5. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on  
24 January 1, ~~2026~~ 2027.

25 6. Sections 2.3 and 3.1 of this act become effective on January 1, ~~2026~~ 2027,  
26 and expire by limitation on June 30, ~~2026~~ 2027.

27 7. Sections 2.7 and 3.3 of this act become effective on July 1, ~~2026~~ 2027.

28 8. As used in this section, “Division” means the Records, Communications  
29 and Compliance Division of the Department of Public Safety.