### **DISCLAIMER**

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Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

# **OVERVIEW**

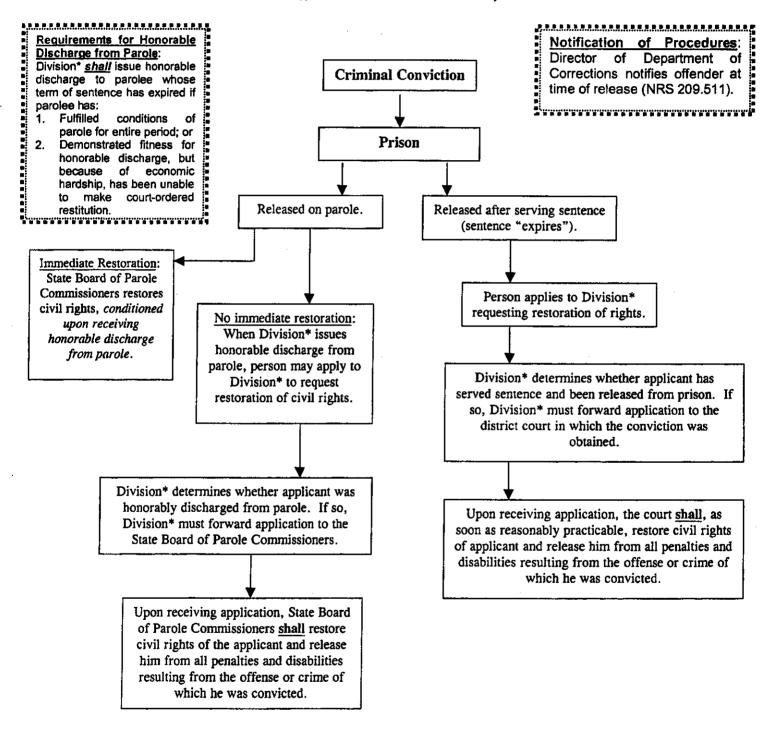
# CURRENT RESTORATION PROCEDURES

ORIGINALS ARE ON FILE IN THE RESEARCH LIBRARY

ASSEMBLY JUDICIARY
DATE: 3)36/03 ROOM: 3138 EXHIBIT C
SUBMITTED BY: C- 61VNCHIG LIANI

# RESTORATION OF CIVIL RIGHTS OVERVIEW OF STATUTORY PROCEDURES:

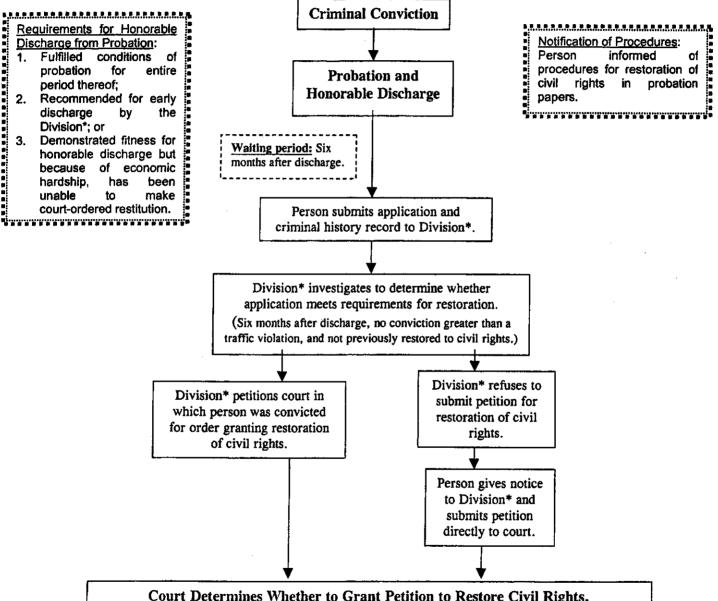
# UPON RELEASE FROM PRISON (NRS 213.155 AND 213.157)



NOTE: An applicant must not be required to pay a fee to have his civil rights restored or to be released from penalties and disabilities pursuant to the above procedures (NRS 213.155 and NRS 213.157).

### RESTORATION OF CIVIL RIGHTS OVERVIEW OF STATUTORY PROCEDURES

### HONORABLY DISCHARGED FROM PROBATION (NRS 176A.850 and 176A.860)



### Court Determines Whether to Grant Petition to Restore Civil Rights.

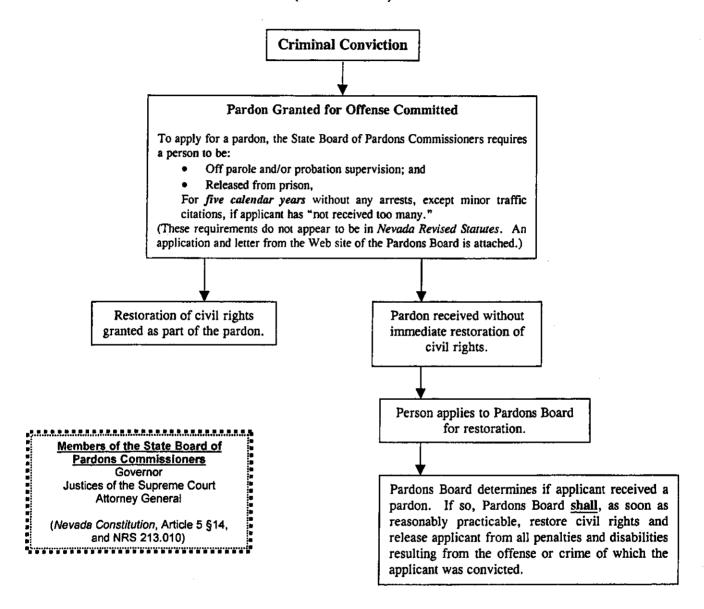
If petition is granted by the court, person:

- 1. Is exempt from general registration requirements for felony conviction (Chapter 179C of NRS), but not from registration and community notification requirements for certain sexual crimes and crimes against a child (Chapter 179D of NRS);
- 2. May vote, hold office or serve as a juror; and
- 3. Must disclose conviction to a gaming establishment and to the state and its agencies, departments, boards, commissions, and political subdivisions if required in application for employment, license, or other permit; but is not required to disclose to any other employer or prospective employer.

(Subsection 4 of NRS 176A.850)

# RESTORATION OF CIVIL RIGHTS OVERVIEW OF STATUTORY PROCEDURES

### AFTER A PARDON (NRS 219.090)



NOTE: An applicant must not be required to pay a fee to have his civil rights restored or to be released from penalties and disabilities pursuant to the above procedures (NRS 213.090).

# RESTORATION OF CIVIL RIGHTS OVERVIEW OF STATUTORY PROCEDURES

# RECORDS SEALED (NRS 179.285)

**Criminal Conviction** 

### **Records Sealed**

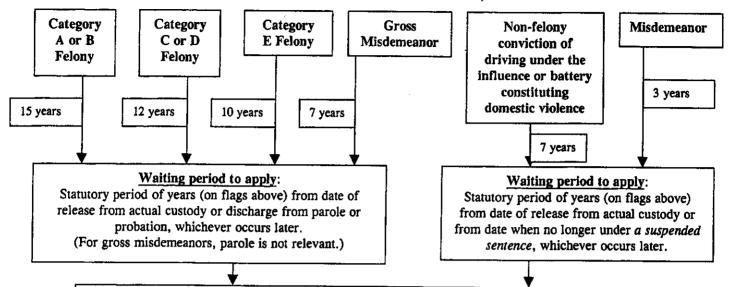
Person receives order from the court sealing records pursuant to one of the following statutes:

- NRS 176A.265 (Sealing of records after discharge from court-established program for treatment of mental illness);
- NRS 179.245 (Sealing of records after conviction);
- NRS 179.255 (Sealing of records after dismissal or acquittal);
- NRS 453.3365 (Sealing of records of person convicted of possession of controlled substance not for purpose of sale).

Court shall order civil rights of person to be restored, if person has not been restored to his civil rights.

### SEALING RECORDS OF CRIMINAL PROCEEDINGS

(Nevada Revised Statutes 179.245)



### Documents to accompany petition:

- Verified criminal history records from Central Repository for Nevada Records of Criminal History (Central Repository) and from local law enforcement agency where conviction was entered;
- 2. List of public or private agencies, companies, officials, or other custodians of records known to possess records and to whom order to seal records, if issued, will be directed; and
- 3. Accurate and complete information identifying the records to be sealed.

### Notifications and Authorization to Participate in Hearing

Upon receiving petition, court must notify: (1) law enforcement agency that arrested petitioner for the crime; and (2) prosecuting attorney for county or city, as appropriate. The prosecuting attorney and any person with relevant evidence may testify and present evidence.

### Determination to Seal Records

If, after the hearing, the court finds the petitioner has not been charged with any offense for which charges are pending or convicted of any offense except for minor moving or standing traffic violations, the court may:

- 1. Order sealed all records of the conviction in the custody of the court, of another court in Nevada, or of a public or private agency, company, or official in Nevada.
- 2. Order all such records returned to the file of the court where the proceeding was commenced from, including but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices, and all other law enforcement agencies reasonably known to have possession of such records.
- 3. Order sealed all records of the civil proceeding in which the records were sealed.

### After Records are Sealed

- Copy of order must be sent to Nevada's Central Repository and each entity named in the order. Records must be sealed, and court must be advised of compliance.
- All proceedings in record are deemed never to have occurred.
- Court must order civil rights of the person restored if person has not been restored to his civil rights.

