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## Conceptual Changes to AB337 Regarding the Restoration of Civil Rights.

Submitted Jointly by Dorla Salling, Chairman of the Board of Parole Commissioners and Amy Wright, Chief of the Division of Parole and Probation.

The current process for the restoration of civil rights is onerous and confusing. In submitting the following conceptual changes, we have incorporated some of the provisions of SB 430 which also addresses restoration of rights and is far more encompassing than is outlined here.

### Section 1

#### NRS 176A.850 - Probation:

If the court grants to a person an honorable discharge from probation, the court shall also include in the honorable discharge an order restoring the civil rights of the person and releasing the person from all penalties and disabilities which resulted from the offense or crime of which the person was convicted if the person is not serving another sentence of imprisonment or term of parole or probation. Such restoration does not include the right to bear arms.

The person may present the order to the registrar of voters for the county in which the person resides as proof that his right to vote has been restored.

If a person residing in Nevada was convicted and sentenced to a period of probation in another jurisdiction, the State of Nevada shall recognize the provisions established in the other jurisdiction regarding the restoration of the persons civil rights. The person may petition the district court in the county he resides for an order recognizing the restoration of his civil rights to the extent provided by the other jurisdiction.

A person who was honorably discharged from probation may petition the court in which he was convicted to request a restoration of his right to bear arms. In making such an application, the person must submit with his petition a current, certified record of his criminal history received from

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The local law enforcement agency of the city or county in which the conviction was entered.

Upon receiving such a petition, the court may enter an order restoring the right of the person to bear arms if the court determines that the person is not likely to pose a threat to the safety of others.

If the court does not restore the rights of the person to bear arms, the court shall include in the order a date after which the person may submit another petition to the court in the manner set forth in this section to request the restoration of his right to bear arms.

### Section 2

#### NRS 213.155 - Parole:

If the Division issues an honorable discharge from parole pursuant to NRS 213.154 to a parolee, the

ASSEMBLY JUDICIARY

DATE: 3/2/03 ROOM: 3138 EXHIBIT M

SUBMITTED BY: DORLA SALLING

103

Division shall provide written notice to the person on behalf of the Board of Parole Commissioners that his civil rights have been restored and that the person is released from all penalties and disabilities which resulted from the offense or crime of which the person was convicted. Such restoration does not include the right to bear arms.

The person may present the written notice to the registrar of voters for the county in which the person resides as proof that his right to vote has been restored.

If a person residing in Nevada completed a period of parole from another state or jurisdiction, the State of Nevada shall recognize the provisions established in the other jurisdiction regarding the restoration of the persons civil rights. The person may petition the district court in the county he resides for an order recognizing the restoration of his civil rights to the extent provided by the other jurisdiction.

A person who was honorably discharged from parole may petition the court in which he was convicted to request a restoration of his right to bear arms. In making such an application, the person must submit with his petition a current, certified record of his criminal history received from

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The local law enforcement agency of the city or county in which the conviction was entered.

Upon receiving such a petition, the court may enter an order restoring the right of the person to bear arms if the court determines that the person is not likely to pose a threat to the safety of others.

If the court does not restore the rights of the person to bear arms, the court shall include in the order a date after which the person may submit another petition to the court in the manner set forth in this section to request the restoration of his right to bear arms.

### **Section 3**

#### **NRS 213.090 - Pardons:**

If a pardon is granted for any offense committed, the Board shall include in the instrument or certificate of pardon

- (a) An order restoring the civil rights of the person and releasing the person from all penalties and disabilities which resulted from the offense or crime of which the person was convicted; and
- (b) Any conditions, limitations or restrictions imposed by the Board on the restoration of the civil rights of the person.

If such restoration includes the right to bear arms, it must be stated on the instrument or certificate of pardon.

The person may present the order to the registrar of voters for the county in which the person resides as proof that his right to vote has been restored.

The State of Nevada shall recognize a pardon issued from any other State or Federal pardons board or body of executive clemency. If the pardon issued by the other body does not specify any limitations, it shall be considered by the State of Nevada to be a full pardon with restoration of civil

rights including the right to bear arms. The person may petition the district court in the county he resides for an order recognizing the restoration of his civil rights to the extent provided by the pardon or instrument issued by the other pardons board or body of executive clemency.

**Other Sections:**

1. Persons requesting restoration not honorably discharged from parole or probation including prison discharges.

A person who was convicted of a felony in the State of Nevada, is not currently serving a sentence of imprisonment or term of parole or probation, and does not fall into the provisions as provided in sections 1 and 2, may petition the court in which the conviction was obtained to have his civil rights restored and be released from all penalties and disabilities which resulted from the offense or crime of which the person was convicted.

If the petition requests a restoration of the right to bear arms, the person must submit with his petition a current, certified record of his criminal history received from

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The local law enforcement agency of the city or county in which the conviction was entered.

Upon receiving such a petition, the court shall, as soon as reasonably practicable, enter an order restoring the civil rights of the person to whom the order pertains and releasing the person from all penalties and disabilities which resulted from the offense or crime of which he was convicted and may enter an order restoring the right of the person to bear arms if the court determines that the person is not likely to pose a threat to the safety of others.

If the court does not restore the rights of the person to bear arms, the court shall include in the order a date after which the person may submit another petition to the court in the manner set forth in this section to request the restoration of his right to bear arms.

2. Persons residing in Nevada who were convicted in another jurisdiction and received a restoration of civil rights.

If a Nevada resident was convicted in another State, the State of Nevada shall recognize the provisions established in the other jurisdiction regarding the restoration of the persons civil rights. The person may petition the district court in the county he resides for an order recognizing the restoration of his civil rights to the extent provided by the foreign jurisdiction.